

Panaji, 13th August, 2009 (Sravana 22, 1931)

SERIES I No. 20

# OFFICIAL GOVERNMENT OF GOA GAZETTE



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## GOVERNMENT OF GOA

### Department of Co-operation

Office of the Registrar of Co-operative Societies

### Order

60/57/2001/TS/RCS/1283

In exercise of the powers conferred by  
section 126A of the Goa Co-operative Societies  
Act, 2001 as amended vide Notification No. 42-

-7-2008/TS/RCS dated 20-3-2009, the  
Government of Goa is pleased to exempt the  
Co-operative Societies formed by the Self Help  
Group and the Mahila Mandals of the Women's  
from the application of section 74 and 81 in  
toto and partly section 7 restricting the  
registration fees of such Societies to Rs. 10/-.

By order and in the name of the Governor  
of Goa.

P. K. Patidar, Registrar of Co-operative  
Societies & ex officio Joint Secretary.

Panaji, 31st July, 2009.

**Order**

60/57/2001/TS/RCS/1284

In exercise of the powers conferred by sub-section (1) of section 4 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) hereinafter referred to "said Act", the Government is pleased to authorize the Asstt. Registrar of Co-operative Societies (Dairy), to register the societies under section 8 of the "said Act" formed by the Self Help Group and Mahila Mandals of the women's within the territorial jurisdiction of the Ponda Taluka in addition to the Dairy Co-operative Societies in the State of Goa.

This Order shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

*P. K. Patidar*, Registrar of Co-operative Societies & ex officio Joint Secretary.

Panaji, 31st July, 2009.



## Department of Education, Art &amp; Culture

Directorate of Technical Education

**Order**

DTE/Estt/1-10/C-P/GEDC/1195

Sanction of the Government is hereby conveyed for creation of the following post at Goa Education Development Corporation.

Sr. No.	Designation	Pay Scale (Pre-revised)	No. of posts
1.	Managing Director	12000-16500	1
2.	Manager (Accounts and Administration)	8000-13500	1
3.	Project Officer	6500-10500	2
4.	Counsellor	4500-7000	1
5.	Head Clerk	4500-7000	1
6.	Accountant	4500-7000	1
7.	Upper Division Clerk	4000-6000	3
8.	Junior Stenographer	4000-6000	2
9.	Driver	3050-4590	3
10.	Lower Division Clerk	3050-4590	5
11.	Peon	2550-3200	5
TOTAL:			25

The Expenditure on this account shall be debited to the Demand No. 36, Budget Head 2203—Technical Education, 103—Technical Schools, 10—Goa Education Development Corporation (Plan), 31—Grant-in-aid.

This issues with the approval of the Administrative Reforms Department vide their U. O. No. 538/F dated 19-6-2008, concurrence of the Finance (Rev. and Control) Department vide their U. O. No. 3546.F dated 29-12-2008 and the Cabinet.

By order and in the name of the Governor of Goa.

*Vivek B. Kamat*, Director of Technical Education & ex officio Additional Secretary.

Porvorim, 4th August, 2009.

**Order**

DTE/CAD/SLFSC/2009-10/1214

Government of Goa has constituted State Level Fee Structure Committee under the Chairmanship of Retd. Justice Dr. Eurico Santan da Silva, vide Order No. DTE/CAD/SLFSC/2007-08/30 dated 3-4-2008.

The Committee has submitted its report to the Government of Goa on 29th May, 2009 and after consideration of the said report, Government is pleased to accept the same and approve the recommendations as given at Annexure for implementation.

By order and in the name of the Governor of Goa.

Dr. M. Modassir, Secretary (Technical Education).

Porvorim, 31st July, 2009.

**ANNEXURE****State Level Fee Structure Committee****Recommendations**

For the purpose of laying down an appropriate scheme of Fee Structure, following parameters were recommended and adhered to:—

1. As actual date of implementation of revised pay scales is not yet known, it is difficult to estimate the effect of the same on the economics of the operations of the college and as such instead of finalizing Fee Structure for the batches to be admitted in next 3 years, only the Fee Structure of batch to be admitted in the year 2009-10 is considered. The Fee Structure in respect of batches for 2009-10 & 2010-11 to be decided later.
2. Fees would not be uniform throughout the course duration, but there would be gradual annual increase.
3. Fees Structure even incase of like institutions (Engineering Colleges) could vary depending on services/facilities provided to students and the related financial implications and hence need not be uniform.
4. Institutions shall strive to develop appropriate infrastructure in order to provide quality Technical Education to the students.

The Committee recommends that fees for various private institutions in the State of Goa, in respect of batch of students to be admitted in the year 2009-10, shall be as specified in Annexure 'A'.

**ANNEXURE – A****A. PRIVATE UN-AIDED ENGINEERING COLLEGES**

**1. Padre Conceicao College of Engineering, Verna**  
**Tuition & Development Fees (2009-10)**

Fees	First Year	Second Year	Third Year	Fourth Year
Tuition fees (Per semester)	Rs. 27,500	Rs. 31,000	Rs. 35,000	Rs. 39,000
Development fees (Per semester)	Rs. 5,000	Rs. 5,000	Rs. 5,000	Rs. 5,000
Institutional fees	Rs. 1,050	Rs. 1,050	Rs. 1,050	Rs. 1,050

**Details of Institutional Fees (in Rupees)**

Item of Fees	2009-10
1. Gymkhana Fees (Per Term)	Rs. 100
2. Annual Social Gathering (Yearly)	Rs. 100
3. Student Aid Fund (Yearly)	Rs. 50
4. Magazine Fee (Yearly)	Rs. 100

Item of Fees	2009-10
5. Identity Card (One Time)	Rs. 50
6. Library Deposit (Refundable)	Rs. 250
7. Caution Money (Refundable)	Rs. 400
<b>Total Institution Fees</b>	<b>Rs. 1050</b>
<b>Admission Fee (one time only)</b>	<b>Rs. 600</b>

**Fees for NRI Candidates**

Item of Fees	2009-10
1. Admission Fee (One time only) (in rupees)	Rs. 600
2. Other fees (Tuition + Institutional + Development)	US\$3000 per year

**2. Shree Rayeshwar Institute of Engineering and Information Technology, Shiroda-Goa**  
**Tuition & Development Fees (2009-10)**

Fees	First Year	Second Year	Third Year	Fourth Year
Tuition fees (Per semester)	Rs. 23,000	Rs. 26,000	Rs. 29,000	Rs. 32,000
Development fees (Per semester)	Rs. 5,000	Rs. 5,000	Rs. 5,000	Rs. 5,000
Institutional fees	Rs. 1,450	Rs. 1,450	Rs. 1,450	Rs. 1,450

**Details of Institution Fees (in Rupees)**

Item of Fees	2009-10
1. Gymkhana Fees (Per Term)	Rs. 200
2. Annual Social Gathering (Yearly)	Rs. 200
3. Student Aid Fund (Yearly)	Rs. 100
4. Magazine Fee (Yearly)	Rs. 100
5. Identity Card (One Time)	Rs. 50
6. Library Deposit (Refundable)	Rs. 300
7. Caution Money (Refundable)	Rs. 500
<b>Total Institution Fees</b>	<b>Rs. 1450</b>
<b>Admission Fee (one time only)</b>	<b>Rs. 600</b>

**Fees for NRI Candidates**

Item of Fees	2009-10
1. Admission Fee (One time only) (in rupees)	Rs. 600
2. Other fees (Tuition + Institutional + Development)	US\$3000 per year

**B. PRIVATE UN-AIDED PHARMACY COLLEGES:**

**1. Ponda Education Society's College of Pharmacy Education & Research, Ponda-Goa.**  
**Tuition & Development Fees (2009-10)**

Fees	First Year	Second Year	Third Year	Fourth Year
Tuition fees (Per semester)	Rs. 22,500	Rs. 25,000	Rs. 27,500	Rs. 30,000
Development fees (Per semester)	Rs. 5,000	Rs. 5,000	Rs. 5,000	Rs. 5,000
Institutional fees	Rs. 1,250	Rs. 1,250	Rs. 1,250	Rs. 1,250

**Details of Institution Fees (in Rupees)**

Item of Fees	2009-10
1. Gymkhana Fees (Per Term)	Rs. 100
2. Annual Social Gathering (Yearly)	Rs. 200
3. Student Aid Fund (Yearly)	Rs. 50
4. Magazine Fee (Yearly)	Rs. 100
5. Identity Card (One Time)	Rs. 50
6. Microscope charge (One time)	Rs. 100
7. Library Deposit (Refundable)	Rs. 250
8. Caution Money (Refundable)	Rs. 400
<b>Total Institution Fees</b>	<b>Rs. 1250</b>
<b>Admission Fee (one time only)</b>	<b>Rs. 600</b>

**Fees for NRI Candidates**

Item of Fees	2009-10
1. Admission Fee (One time only) (in rupees)	Rs. 600
2. Other fees (Tuition + Institutional + Development)	US\$3000 per year

**C. PRIVATE UN-AIDED HOMOEOPATHY COLLEGES:**
**1. Shri Kamaxidevi Homoeopathic Medical College & Hospital, Shiroda-Goa.**  
**Tuition & Development Fees (2009-10)**

Fees	First Year	Second Year	Third Year	Fourth Year
Tuition fees (Per semester)	Rs. 25,000	Rs. 25,000	Rs. 25,000	Rs. 25,000
Development fees (Per semester)	Rs. 1,000	Rs. 1,000	Rs. 1,000	Rs. 1,000
Institutional fees	Rs. 1,250	Rs. 1,250	Rs. 1,250	Rs. 1,250

**Details of Institution Fees (in Rupees)**

Item of Fees	2009-10
1. Gymkhana Fees (Per Term)	Rs. 100
2. Annual Social Gathering (Yearly)	Rs. 100
3. Student Aid Fund (Yearly)	Rs. 50
4. Magazine Fee (Yearly)	Rs. 100
5. Dissection charges (One time)	Rs. 100
6. Identity Card (One Time)	Rs. 50
7. Microscope charge (One time)	Rs. 100
8. Library Deposit (Refundable)	Rs. 250
9. Caution Money (Refundable)	Rs. 400
<b>Total Institution Fees</b>	<b>Rs. 1250</b>
<b>Admission Fee (one time only)</b>	<b>Rs. 600</b>

**Fees for NRI Candidates**

Item of Fees	2009-10
1. Admission Fee (One time only) (in rupees)	Rs. 600
2. Other fees (Tuition + Institutional + Development)	US\$3000 per year

**D. PRIVATE INSTITUTES OF HOTEL MANAGEMENT & CATERING TECHNOLOGY:**

1. Agnel Institute of Food Crafts and Culinary Sciences, Verna-Goa.
2. Guardian Angel Institute of Hotel Management and Catering Technology, Curchorem-Goa.

**Details of Fees (Per Year) (2009-10)**

Item of Fees	First Year	Second Year	Third Year
1. Tuition Fees	Rs. 29,000/-	Rs. 38,000/-	Rs. 47,000/-
2. Development Fees	Rs. 6,000/-	Rs. 6,000/-	Rs. 6,000/-
3. Training Food/Lab Fees	Rs. 10,000/-	Rs. 11,000/-	Rs. 12,000/-
4. Equipment Maintenance and Operational Fees	Rs. 10,000/-	Rs. 10,000/-	Rs. 10,000/-
5. Internal Exam Fees	Rs. 50/-	Rs. 50/-	Rs. 50/-
6. Identity Card	Rs. 200/-	Rs. 200/-	Rs. 200/-
7. Gymkhana Fees	Rs. 300/-	Rs. 300/-	Rs. 300/-
8. Library Fees	Rs. 300/-	Rs. 300/-	Rs. 300/-
<b>TOTAL:</b>	<b>Rs. 55,850/-</b>	<b>Rs. 65,850/-</b>	<b>Rs. 75,850/-</b>
9. Library deposit (Refundable)	Rs. 500/-	Rs. 500/-	Rs. 500/-
10. Caution Deposit (Refundable)	Rs. 1,000/-	Rs. 1,000/-	Rs. 1,000/-
11. Admission Fee (one time only)	Rs. 600/-		



Department of Finance

Debt Management Division

**Press Communique**

1-45-96/Fin(DMU)

**GOA STATE DEVELOPMENT  
LOAN, 2009**

It is notified for general information that the outstanding balance of 11.50% Goa State Development Loan, 2009 issued in terms of the Government of Goa, Finance Department Notification No.1-43/89/Fin(Bud) dated 25-08-1989 will be repaid at par on September 5, 2009 (September 6, 2009, being Sunday) with interest due up to and including September 5, 2009. In the event of a holiday

being declared on the aforesaid date by any State Government under the Negotiable Instruments Act, 1881, the loan will be repaid by the paying offices in that State on the previous working day. **No interest will accrue on the loan from and after September 6, 2009.**

2. As per sub-regulation 24 (2) and 24 (3) of Government Securities Regulations, 2007 payment of maturity proceeds to the registered holder of Government Security held in the form of Subsidiary General Ledger or Constituent Subsidiary General Ledger account or Stock Certificate shall be made by a pay order incorporating the relevant particulars of his bank account or by credit to the account of the holder in any bank having facility of receipt of funds through electronic means. For the purpose of making payment in respect of the

securities, the original subscriber or the subsequent holders of such a Government Securities, as the case may be, shall submit to the Bank or Treasury and Sub-Treasury or branch of State Bank of India, or its subsidiary banks where they are enfacd/registered for payment of interest, as the case may be, the relevant particulars of their bank account.

3. However, in the absence of relevant particulars of bank account/mandate for receipt of funds through electronic means, to facilitate repayment on the due date, holders of 11.50% Goa State Development Loan 2009, should tender their securities at the Public Debt Office, 20 days in advance. The securities should be tendered for repayment, duly discharged on the reverse thereof as under:—

**“Received the Principal due on the Certificate”**

4. It should be particularly noted that at places where the treasury work is done by a branch of the State Bank of India or any of its associate banks, the securities, if they are in the form of Stock Certificates, should be tendered at the branch of the bank concerned and not at the Treasury or Sub-treasury.

5. Holders who wish to receive payment at places other than those where the securities have been enfacd for payment should send them duly discharged to the Public Debt Office concerned by Registered and Insured Post. The Public Debt Office will make payment by issuing a draft payable at any Treasury/Sub-Treasury or branch of State Bank of India or its associate banks conducting Government Treasury work in the State of Goa.

*Uddipta Ray*, Secretary (Finance).

Porvorim, 6th August, 2009.

**Goa Legislature Secretariat**

LA/LEGN/2009/1393

The following bill which was introduced in the Legislative Assembly of the State of Goa on 4th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa (Recovery of Arrears of Tax through Settlement) Bill, 2009**

(Bill No. 18 of 2009)

A

BILL

*to provide for the expeditious enforcement of payment of arrears of tax relating to the period upto 31st of March, 2005, under Sales Tax Law, Central Sales Tax Law, Luxury Tax Law and Entry Tax Law, as in force in the State of Goa, by way of Settlement and matters connected therewith.*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—  
(1) This Act may be called the Goa (Recovery of Arrears of Tax through Settlement) Act, 2009.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— (1) In this Act, unless the context otherwise requires—

(a) “applicant” means an applicant referred to in section 5 and includes



“dealer” or “hotelier,” his legal heir, successor, assignee, or nominee;

(b) “arrears of tax, penalty and interest” means,—

(i) tax, by whatever name called, payable by a dealer or a hotelier upon assessment or otherwise under the relevant Act in respect of the specified period; or

(ii) penalty imposed upon dealer or a hotelier, for the default in furnishing returns and/or payment of tax, in accordance with the provisions of the relevant Act, in respect of the specified period; or

(iii) interest payable by a dealer or a hotelier under the relevant Act for default in payment of tax or delay in payment of tax, beyond the specified time, in respect of the specified period;

(c) “Commissioner” means the Commissioner as referred to in the relevant Act”;

(d) “dealer” means the dealer defined in section 2 of the Goa Sales Tax Act, 1964 (Act 4 of 1964);

(e) “designated authority” means the authority specified in section 3;

(f) “Government” means the Government of Goa;

(g) “hotelier” means the hotelier defined in section 2 of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988);

(h) “prescribed” means prescribed by rules made under this Act;

(i) “relevant Act” means,—

(i) the Goa Sales Tax Act, 1964 (Act 4 of 1964); or

(ii) the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988); or

(iii) the Central Sales Tax Act, 1956 (Central Act 74 of 1956); or

(iv) the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000), the rules and the Notifications issued thereunder;

(j) “specified period” means any period of assessment upto the financial year ending on 31st day of March, 2005.

(2) Unless there is anything repugnant to the subject or context, all words and expressions used in this Act, which are not defined herein, but defined or used in the relevant Act, shall have the same meaning as respectively assigned to them in the relevant Act.

3. *Designated authority.*— For carrying out the purposes of this Act, the authorities referred to in section 13 (2) (a) and 13 (2) (b) of the Goa Value Added Tax Act, 2005 (Act 9 of 2005), or such other authority as the Commissioner may, under the relevant Act, by order made in that behalf nominate, shall be the designated authority and such authority shall have jurisdiction over such area or areas, as exercised by it under the relevant Act.

4. *Eligibility for settlement.*— (1) Subject to the other provisions of this Act, an applicant shall be eligible to make an application for settlement of his arrears of tax, interest or penalty for the specified period where the amount in arrears does not exceed Rs. 20.00 lacs (Rupees Twenty lacs) per assessment, whether such amount is disputed in appeal, revision or review filed under the relevant Act or not:

Provided that where any appellate or revisional authority or any Court has remanded the case back to the assessing authority for fresh assessment and such



assessment has not been completed as on the date of commencement of this Act, such case shall not be taken for settlement under this Act.

5. *Application by the applicant.*— (1) An application for the purpose of section 4 shall be made by an applicant to the designated authority in the Form specified in Part A of the Schedule hereto before expiry of three months, from the date of coming into force of this Act or by such extended date as the Government may, by notification in the Official Gazette, specify.

(2) The designated authority shall verify the correctness of the particulars furnished in the application, with reference to the records available with the assessing authority or any other authority with whom such records may be available, as the case may be.

(3) An applicant shall make application separately for each year under each of the Acts specified in clause (i) of section 2.

6. *Determination of amount payable for settlement of arrears.*— (1) Where the designated authority is satisfied about the correctness of the particulars set forth in the application made by the applicant, he shall, by order in writing, determine the amount payable by the applicant for the purpose of settlement of arrears of tax, interest and penalty at the rates specified in section 7:

Provided that the amount determined and payable by the applicant under this sub-section shall be rounded off to the nearest ten rupees.

(2) After the amount payable by the applicant is determined under sub-section (1) by the designated authority, the designated authority shall inform the same

to the applicant in Form specified in Part B of the Schedule hereto. The applicant shall pay the amount within fifteen days from the date of receipt of the intimation, by challan, duly certified and issued by the designated authority, and submit a receipted copy thereof to the designated authority.

7. *Rate applicable in determining the amount payable.*— The amount payable by an applicant for settlement of arrears of tax, interest and penalty shall be as follows:—

(a) Where the arrears of tax have arisen on account of any order of assessment relating to the specified period and where no review or appeal or revision is preferred against the said order on the date of commencement of this Act, at the rate of 50% of the arrears of tax and interest only and any penalty levied thereof shall be waived fully.

(b) Where the arrears of tax, interest and penalty arisen on account of any order of assessment relating to the specified period is disputed, either in review or in appeal or in revision or in any other suit or in Writ Petition, filed before any Court of Law, on the date of commencement of this Act, such arrears shall be settled at the rate of 50% of the arrears of tax and 25% of the interest only and any penalty levied thereof shall be waived fully.

(c) Where the arrears are of post-assessment interest and penalty, the applicant shall pay 50% of the post-assessment interest only and the penalty levied thereof shall be waived fully.

(d) Where the arrears have arisen due to non receipt of declaration forms or declaration certificates, such as, Form 'C', Form 'D', Form 'E-I/E-II', Form 'F', Form 'H' or certificates of

exemption in Form ST XI A or ST XI B, such arrears shall be settled at the rate of 50% of the arrears of tax only and the applicant shall be discharged from his liability of payment towards interest and penalty to which he was liable before settlement.

8. *Settlement of arrears and issue of certificate of settlement.*— (1) The designated authority, on being satisfied that the applicant has paid the amount determined under section 6, shall issue a certificate of settlement in form as specified in Part C of the Schedule hereto, to the applicant and thereupon, such applicant shall be discharged from his liability to make payment of the balance amount of arrears of tax, interest and penalty to which he was liable before settlement.

(2) The designated authority may, by Order, for reasons to be recorded in writing, reject the application of the applicant on the ground that no question of settlement arises or rectify or amend the certificate of settlement issued under sub-section (1):

Provided that no order adversely affecting the applicant shall be passed without giving him a reasonable opportunity of being heard:

Provided further that an appeal against the order of the designated authority shall lie to the Commissioner and such appeal shall be made within a period of sixty days from the date of such order.

9. *Bar on re-opening of settled cases.*— A certificate of settlement issued under sub-section (1) of section 8 shall be conclusive as to the settlement to which the dispute relates, and no matter covered by such certificate of settlement shall be re-opened in any proceeding or review or revision, or in any other proceeding, under the relevant Act.

10. *Withdrawal of review application, appeal and revision.*— Notwithstanding anything to the contrary contained in any provision in the relevant Act, the review, appeal or revision for any period pending before the

reviewing, appellate or the revisional authority, as the case may be, in respect of which a certificate of settlement is issued under sub-section (1) of section 8, shall be deemed to have been withdrawn by the applicant from the date of making of the application under sub-section (1) of section 5.

11. *Reviewing, appellate and revisional authority not to proceed in certain cases.*— No assessing authority, reviewing authority, appellate authority or revisional authority shall proceed to decide any assessment, review, appeal or revision under the relevant Act relating to any period in respect of which an application has been made under section 5 of this Act:

Provided that such authority shall proceed to decide such assessment, review, appeal or revision for such period in accordance with the provisions of the relevant Act, if a certificate of settlement referred to in sub-section (1) of section 8 is refused to the applicant by an order passed by the designated authority in writing under sub-section (2) of section 8.

12. *Revocation of certificate of settlement.*— (1) Notwithstanding anything contained in sections 9 and 10, where it appears to the designated authority that an applicant has obtained the benefit of settlement under this Act by suppressing any material information or particulars or by furnishing any incorrect or false information or particulars, such designated authority may, within one year from the date of issue of such certificate, for reasons to be recorded in writing and after giving the applicant a reasonable opportunity of being heard, revoke the certificate of settlement issued under sub-section (1) of section 8.

(2) If a certificate of settlement is revoked under sub-section (1), the assessment, review, appeal or revision, as the case may be, under the relevant Act, covered by such certificate of settlement, shall, notwithstanding the provisions of sections 9 and 10, stand revived

or reinstated immediately upon such revocation, and such assessment, review, appeal or revision shall be decided in accordance with the provisions of the relevant Act, as if no settlement of the arrears of tax, penalty or interest in dispute in such review, appeal or revision has ever been made under this Act.

13. *Information to be sent to the authorities under the relevant Act.*— The designated authority shall keep the assessing authority, the reviewing authority, the appellate authority or the revisional authority, who, for the time being, has jurisdiction over the applicant under the relevant Act, informed, inter alia of—

(a) making of an application by an applicant under section 5;

(b) passing of any certificate or Order by the designated authority under section 8; or

(c) revocation of any certificate of settlement under section 12, in such form and manner, and within such time, as the Commissioner may, by notification in the Official Gazette, specify.

14. *No refund of amount paid under the Act.*— Any amount paid by an applicant under section 6 shall not be refundable under any circumstances:

Provided that in case of revocation of a certificate of settlement in accordance with section 12, the amount paid by the applicant under section 6 shall be treated to have been paid under the relevant Act for the period for which the certificate of settlement has been revoked.

15. *Power to make rules.*— The Government may, by notification in the Official Gazette, make rules, either prospectively or with retrospective effect, for carrying out the purposes of this Act, and such rules may provide for all or any of the matter which,

under any provision of this Act is required to be prescribed or to be provided by rules.

16. *Power to remove difficulties.*— If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order published in the Official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty:

Provided that no such order shall be made after expiry of two years from the date of coming into force of this Act.

## SCHEDULE

### PART A

(See section 5)

#### Application for Settlement

To,

The Designated Authority,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I \_\_\_\_\_  
Proprietor/Partner/Karta/Managing Director/  
/Director/Principal Officer/duly authorized officer/  
/President/Secretary/legal heir/Successor/assignee  
or nominee/myself/on behalf of an applicant, being  
eligible under section 4 of the Goa (Recovery of  
Arrears of Tax through Settlement) Act, 2009, hereby  
apply for settlement of arrears of tax, penalty and  
interest.

I furnish hereunder the requisite particulars:—

(1) Name of the applicant:

(2) Status of the applicant:

(3) Name and Style of the business:

or

The trade name of the business:

(4) Address of the Business.—

(i) Principal place of business:

(ii) Add. place of business:

(iii) Factory premises:

(5) Present postal address, if it is different from (4) above:	ST XI A Rs. ST XI B Rs.
(6) Reference to Certificate of Registration:	..... .....
(i) VAT TIN	(11) Net amount of arrears applied for settlement
(ii) CST No.	
(iii) Entry Tax Regn. No.	Tax Rs.
(iv) Luxury Tax Regn. No.	Interest Rs.
(v) Pre-VAT Sales Tax No.	Penalty Rs.
(7) Period in respect of assessment of tax, interest and penalty, to which the application relates (Enclose copy of the assessment order for reference.)	01-04 to 31-03 Whether it is Luxury Tax/Sales Tax/ /Entry Tax:-
	Total _____

## VERIFICATION

(8) Arrears of tax applied for Settlement:	I/We ..... solemnly declare that to the best of my/our knowledge and belief,—
(i) Tax in arrears:	(a) the particulars and information given in this application are correct and complete;
(ii) Interest in arrears:	(b) the amount of arrears of tax, interest and penalty shown hereinabove are truly stated and relate to the relevant period as mentioned in this application; and
(iii) Penalty in arrears:	(c) I/ the applicant am/is not otherwise ineligible for making this application in terms of the provisions of said Act.
Total _____	..... (Signature)
(9) (i) Whether the arrears is disputed in the appeal/ /revision/review.	..... (Name of the signatory in full)
(ii) If yes, please give the reference of the appeal/petition filed (Please enclose a copy thereof).	..... (Status in relation to the applicant)
(iii) Authority with which it is pending either for hearing or decision.	
(iv) Date of presentation of appeal/ /review/revision, so pending.	Place: Date:

## PART B

## Intimation to the applicant by the designated authority

[See section 6(2)]

(10) Whether, any declaration in Form C or D, Form E-I/E-II or Form F or Form H or certificate in Form ST XI A or ST XI B is collected subsequent to assessment which helps to reduce the arrears of tax. If so, please file the said forms, alongwith the statements.	C Form Rs. D Form Rs. E-I Form Rs. E-II Form Rs. F Form Rs. H. Form Rs.
--	--

To,	No. _____
Partner/Proprietor/Manager/Director of _____	

Address: \_\_\_\_\_  
\_\_\_\_\_

## PART C

**Certificate of settlement issued by the  
designated authority**  
[See section 8(1)]

Registration No. \_\_\_\_\_ under  
the relevant Act.

Arrears in respect of period of assessment 01-04- to  
31-03-

Sir/Madam,

With reference to your application No. \_\_\_\_\_  
in Part A dated \_\_\_\_\_, for the settlement of  
arrears of tax, interest and penalty relating to the  
period \_\_\_\_\_ received in my office on  
\_\_\_\_\_, you are hereby informed that the  
amount payable for settlement of arrears of tax and/  
or interest has been determined by me under sub-  
section (1) of section 6 of the Goa (Recovery of  
Arrears of Tax through Settlement) Act, 2009, as  
follows:

- (i) Arrears of tax in dispute
- (ii) Amount covered by furnishing Turnover Tax  
of declaration forms:  
C or D Forms  
E-I/E-II Forms  
F Form  
H Form  
Certificate in Form ST XIA  
Certificate in Form ST XI B

.....  
Total.....

(iii) Net arrears of tax [(i) - (ii)] Rs. ....

(iv) Arrears of interest Rs. ....

(v) Arrears of penalty Rs. ....

(vi) Amount of tax and interest determined  
payable for settlement: Tax Rs.  
Interest Rs.  
Total .....

(Rupees \_\_\_\_\_ only)

Certified challan is enclosed. You are required to  
pay the amount by challan by \_\_\_\_\_  
and furnish receipted copy of the challan to this  
office.

Date: \_\_\_\_\_ Signature \_\_\_\_\_

(Seal) \_\_\_\_\_ Designation \_\_\_\_\_

.....  
(Appropriate designated authority)

On the basis of the application made by  
\_\_\_\_\_, (name of the applicant), who is  
carrying on/used to carry on the business in the  
trade, name of \_\_\_\_\_ at \_\_\_\_\_  
(address) and who is/was holding R. C. (Local/  
Central/Luxury/Entry) No. \_\_\_\_\_ and  
TIN No. \_\_\_\_\_ under the  
\_\_\_\_\_ (name of the relevant  
Act), it is certified that:-

\* (1) Arrears of tax, interest or penalty arisen on  
account of the order of assessment for the period  
from \_\_\_\_\_ to \_\_\_\_\_ against which, no  
appeal is preferred upto \_\_\_\_\_ has been settled  
under sub-section (1) of section 8 of the Settlement  
of Appeals and Arrears under Goa Sales Tax, Central  
Sales Tax, Goa Tax on Luxuries and Goa Tax on  
Entry of Goods Act, 2009.

\* (2) Arrears of tax, interest and penalty arisen  
for the assessment period \_\_\_\_\_  
which was pending in review/appeal/revision  
before \_\_\_\_\_ (name of the  
appropriate review/appellate/revisional authority),  
being review/appeal/revision case No.  
\_\_\_\_\_, has been settled under sub-  
section (1) of section 8 of the Goa (Recovery of  
Arrears of Tax through Settlement) Act, 2009.

The applicant on the above application has paid  
a net amount of Rs. .... as final  
settlement, which has been accepted.

ISSUED this \_\_\_\_\_ day of \_\_\_\_\_.

Signature

Designation

(Appropriate designated authority)

(Seal)

\*Strike out whichever is not applicable.

N.B.: Endorse one copy of the settlement certificate  
in Part A, Part B, and Part C to the  
Commissioner.



## Statement of Objects and Reasons

The Government of Goa, implemented the Goa Value Added Tax Act, 2005 (Act 9 of 2005) with effect from 1st April, 2005 in the State of Goa. Upon such implementation, the pending assessments under the Goa Sales Tax Act, 1964 (Act 4 of 1964), Central Sales Tax Act, 1956 (Central Act 74 of 1956), Goa Tax on Luxuries Act, 1988 (Act 17 of 1988) and Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) upto the period of Repeal of Goa Sales Tax Act, 1964 (Act 4 of 1964) (that is upto 31-03-2005) had to be completed on priority. The completion of these assessments on priority have rendered either ex-parte assessments or on assessment of dues for want of statutory declaration forms and certificates. This has increased pendency of appeals and arrears.

It was proposed during presentation of Budget for the year 2008-09, that a Scheme for one time settlement of such appeals and arrears will be introduced so as to reduce the pendency of litigations and the arrears, and in turn fetch a sizeable revenue to the Government on such settlement.

The Bill seeks to recover the arrears of tax through settlement in such cases wherein arrears do not exceed rupees twenty lacs.

The Bill seeks to achieve the above objects.

## Financial Memorandum

No financial implications are involved in this Bill.

## Memorandum Regarding Delegated Legislation

Clause 3 of the Bill authorizes the Commissioner to nominate an authority under the relevant Act by order made in that behalf.

Sub-clause (1) of clause 5 of the Bill empowers the Government to extend the date for submitting application, by notification in the Official Gazette.

Sub-clause (c) of clause 13 of the Bill authorizes the Commissioner to specify the forms, procedure and the time for informing different authorities specified therein.

Clause 15 of the Bill empowers the Government to make rules either prospectively or with retrospective effect for carrying out the purposes of the Act.

Clause 17 of the Bill empowers the Government to make an Order for removing difficulties encountered while implementing provisions of the Act.

The above delegations are of normal character.

Assembly Hall,  
Porvorim-Goa.

DIGAMBER V. KAMAT  
Hon. Finance Minister

Assembly Hall,  
Porvorim-Goa.  
Dated: 29th July, 2009.

J. N. BRAGANZA  
Secretary to the Legislative  
Assembly of Goa.

## Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Dr. S. S. Sidhu, the Governor of Goa, hereby recommends to the Legislative Assembly of Goa, the introduction and consideration of the Goa (Recovery of Arrears of Tax through Settlement) Bill, 2009.

DR. S. S. SIDHU,  
Governor of Goa.

LA/LEGN/2009/1394

The following bill which was introduced in the Legislative Assembly of the State of Goa on 4th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Civil Courts (Amendment)  
Bill, 2009

(Bill No. 25 of 2009)

A

BILL

*further to amend the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965).*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Civil Courts (Amendment) Act, 2009.

(2) It shall come into force at once.

2. *Amendment of title.*— In the title “the Goa, Daman and Diu Civil Courts Act (Act 16 of 1965)” (hereinafter referred to as the “principal Act”), the figure and words, “*Daman and Diu*” shall be deleted.

3. *Amendment of section 1.*— In section 1 of the principal Act,—

(i) in sub-section (1), the figure and words, “*Daman and Diu*” shall be deleted;

(ii) in sub-section (2), for the expression “Union Territory of Goa, Daman and Diu”, the words “State of Goa” shall be substituted;

(iii) in sub-section (3), for the word “Administrator”, the word “Government” shall be substituted;

4. *Amendment of section 2.*— In section 2 of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) “Government” means the Government of Goa;”

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) “High Court” means the High Court of Bombay at Panaji;”

(iii) in clause (c), the figure and words, “*Daman and Diu*” shall be deleted;

(iv) for clause (d), the following clause shall be substituted, namely:—

“(d) “State” means the State of Goa.”

5. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) for the words “whole of the Union Territory”, the words “each District of State of Goa” shall be substituted;

(ii) for the word “Administrator” wherever it occurs, the word “Government” shall be substituted.

6. *Amendment of section 4.*— In section 4 of the principal Act,—

(i) for the words “at Panjim”, the words “at Panaji or Margao, as the case may be,” shall be substituted.

(iii) for the words “Union Territory”, the words “State of Goa” shall be substituted.

7. *Amendment of section 7.*— In section 7 of the principal Act, for the expression “Goa, Daman and Diu (Judicial Commissioner’s Court) Regulation, 1963”, the expression “Part IV of the Goa, Daman and Diu Reorganisation Act, 1987 (Central Act 18 of 1987)” shall be substituted.



8. *Amendment of sections 8 and 9.*— In sections 8 and 9 of the principal Act, for the word “Administrator” wherever it occurs, the word “Government” shall be substituted.

9. *Omission of sections 10, 11, 12, 13 and 14.*— The sections 10, 11, 12, 13 and 14 of the principal Act shall be omitted.

10. *Amendment of sections 15, 16, 17, 18 and 19.*— In sections 15, 16, 17, 18 and 19 of the principal Act, for the word “Administrator” wherever it occurs, the word “Government” shall be substituted.

11. *Amendment of section 20.*— In section 20 of the principal Act, in sub-section (3), for the words “one lakh rupees”, the words “twenty lakhs rupees” shall be substituted.

12. *Insertion of new section 20A.*— After section 20 of the principal Act, the following section shall be inserted, namely:—

“20A.— *Transfer of pending appeals before the High Court.*— All appeals which are valued upto Rupees Twenty lakhs or below and pending before the High Court immediately before the commencement of the Goa Civil Courts (Amendment) Act, 2009, shall, on such commencement stand transferred to the concerned District Court and such District Court may proceed to deal with such appeals from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such District Court may deem fit:

Provided that this section will not apply to any appeals which are pending before the High Court and which are statutorily provided under the relevant Act before the High Court.”.

13. *Amendment of section 21.*— In section 21 of the principal Act, for the word “administrator” wherever it occurs, the word “Government” shall be substituted.

14. *Amendment of section 22.*— In section 22 of the principal Act, for the word “one

lakh”, the words “twenty lakhs” shall be substituted.

15. *Amendment of section 23.*— In section 23 of the principal Act, the word “Administrator” wherever it occurs, the word “Government” shall be substituted.

16. *Omission of section 24.*— The section 24 of the principal Act, shall be omitted.

17. *Amendment of section 25.*— In sub-section (1) of the principal Act, the word “Administrator” the word “Government”, shall be substituted.

18. *Amendment of section 26.*— In section 26 of the principal Act,—

(i) in sub-section (1), for the expression “Administrator of the Government of Goa, Daman and Diu”, the expression “Government of Goa” shall be substituted.

(ii) in proviso, for the word “administrator”, the word “Government” shall be substituted.

19. *Amendment of section 27.*— In section 27 of the principal Act,—

(i) in sub-section (1), for the expression “District Court of Goa, Daman and Diu”, the expression “District Court of.....” shall be substituted.

(ii) in sub-section (2), the words “and Assistant Judge” shall be omitted.

20. *Amendment of section 28.*— In section 28 of the principal Act, in sub-section (1),—

(i) after the expression “if any or in his absence”, the expression “the senior most Assistant Judge if any or” shall be omitted.

(ii) after the expression “designated Additional District Judge”, the figure and words, “Assistant Judge” shall be omitted.

21. *Amendment of section 29.*— In section 29 of the principal Act,—

(i) for the expression “or the Assistant Judge, or in the absence of an Assistant Judge”, the expression “or in absence of Additional District Judge to a Senior Civil Judge” shall be substituted.

(ii) after the words “designated Additional District Judge”, the figure and words, “Assistant” shall be omitted.

22. *Amendment of section 35.*— In section 35 of the principal Act, for the words “Union Territory”, the words “State of Goa” shall be substituted.

23. *Amendment of section 36.*— In section 36 of the principal Act,—

(i) for the word “Administrator”, the word “Government” shall be substituted.

(ii) for the words “to him”, the word “to the Government” shall be substituted.

#### Statement of Objects and Reasons

The Goa, Daman and Diu Civil Courts Act, 1965, was enacted by the then Legislative Assembly of Goa, Daman and Diu in the year, 1965. As per section 5 of the Act, 1965, the District Court in the Districts of the State is the principal Court of the original civil jurisdiction and the Appellate Court with respect of all decrees and orders passed by the Sub-ordinate Courts in suits of valuation upto Rupees one lakh.

By virtue of section 22 of the Act, all suits decided by the Civil Judges, where the amount or value of the subject matter exceeds one lakh, an appeal would lie before the High Court. In view of the aforesaid provision, the High Court is over burdened with the work of appeals arising thereof.

Further, as Civil Judges Senior Division have civil jurisdiction with respect to matters, where the amount or value exceeds Rs. one lakh, the

Courts of Civil Judge Senior Division are also over burdened and hence, it is proposed to increase the monetary jurisdiction of Civil Judges, Junior Division from present Rs. one lakh to Rs. twenty lakhs so that the appeals against the Judgements and the orders in suits of value upto Rs. twenty lakhs would lie before the District Court and all appeals, where subject matter of value exceeds Rs. twenty lakhs, appeals would lie before the High Court.

At present, at the level of the District Court, there are number of Judges, and the pendency of cases are also decreased considerably, while pendency before the Civil Judges Senior Division have increased, consequently, pendency of appeals in the High Court have also increased. As in the suits decided by the Civil Judges where the value of the subject matter exceeds Rs. one lakh, the appeal would lie direct before the High Court, it is proposed to incorporate a new provision after section 20, towards transfer of all appeals which are valued not exceeding Rs. twenty lakhs pending before the High Court, immediately before the commencement of the proposed Amendment Act, to the concerned District Court so that the District Court may proceed to deal with such appeals from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such the District Court may deem fit.

Further, in pursuance of proviso, the High Court will continue to exercise power with respect to all appeals which are statutorily provided and new appeals if any, which are likely to be filed in terms of section 22 of the Goa Civil Courts Act, 1965, on the enforcement of this Amendment Act.

It is also proposed to effect, consequential changes in the Civil Courts Act, 1965, in view of conferment of Statehood to the then Union Territory of Goa. The various terms as specified in the definition section 2, like “Administrator”, the “Judicial Commissioner’s Court”, “Union Territory” have become redundant in view of the change in set up of the then Union Territory of Goa, into the Statehood and powers exercisable by the Administrator have also



(2) He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Administrator.

9. *Additional District Judges.*— The Administrator may appoint one or more Additional Judges to the District Court who shall be invested with coextensive powers and a concurrent jurisdiction with the District Judge, except that an Additional District Judge shall not keep a file of civil suits or appeals and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to him by order of the High Court.

10. *Assistant Judges.*— The Administrator may appoint one or more Assistant Judges to assist the District Judge.

11. *Situation of Assistant Judge's Court.*— An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere if the Administrator, in consultation with the High Court, so directs.

12. *Original jurisdiction of Assistant Judge.*— (1) The District Judge may refer to any Assistant Judge original suits, applications or references under Special Acts and miscellaneous applications.

(2) The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications or references as are referred to him by the District Judge under sub-section (1).

(3) Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge if the amount of value of the subject matter does not exceed [one lakh] rupees and to the High Court in other cases.

13. *Appellate jurisdiction of Assistant Judge.*— (1) An Assistant Judge shall have jurisdiction to try such appeals from the decrees and orders of the subordinate courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

(2) Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

14. *Assistant Judge with powers of District Judge.*— (1) The Administrator may by notification in the Official Gazette invest an Assistant Judge with all or any of the powers of a District Judge within a

particular part of a District and may, by notification from time to time determine or alter the limits of such part.

(2) The jurisdiction of an Assistant Judge so invested shall pro tanto exclude the jurisdiction of the District Judge from within the said limits.

(3) Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Administrator, but may, with the previous sanction of the High Court hold it at any other place within such limits.

### PART III

#### Civil Judges

15. *Number of subordinate Civil Courts.*— There shall be so many Civil Courts subordinate to the District Court as the Administrator may, from time to time direct.

16. *Appointment of Civil Judges.*— The Judges of such Subordinate Courts shall be appointed by the Administrator and shall be called Civil Judges.

17. *Local limits of jurisdiction of Civil Judges.*— The Administrator, may by notification in the Official Gazette, fix, and by a like notification, from time to time, alter the local limits of the ordinary jurisdiction of the Civil Judges.

18. *Situation of subordinate Courts.*— (1) The Civil Judges shall hold their Courts at such place or places as the Administrator may, from time to time appoint within the local limits of their respective jurisdictions:

Provided that for special reasons it shall be lawful for the Administrator to order that a Civil Judge shall hold his Court at a place outside the local limits of his jurisdiction.

(2) Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Civil Judges shall hold his court at each of such places, and the Civil Judges shall cause such days to be duly notified throughout the local limits of his jurisdiction.

(3) The same person may be the Judge of more than one subordinate Court and may dispose of the Civil business of anyone of his Courts at the



headquarters of any other of his Courts, and in such cases the District Judge shall, subject to the control of the High Court prescribe rules for regulating the time during which the Civil Judge shall sit in each Court.

19. *Additional Civil Judges.*— (1) For the purposes of assisting the Judge of any subordinate Court in the disposal of the Civil business on his file, the Administrator may appoint to such Court one or more additional Civil Judges. An Additional Civil Judge shall dispose of such civil business within the limits of his pecuniary Jurisdiction as may, subject to the control of the District Judge, be referred to him by the Civil Judge of such Court.

(2) For the purpose of this section the provisions of this Act applicable to Civil Judges shall be, applicable to additional Civil Judges.

20. *Classes of Civil Judges and their jurisdiction.*— (1) The Civil Judges shall be of two classes, namely, Senior Civil Judges and Junior Civil Judges.

(2) The jurisdiction of a Senior Civil Judge extends to all original suits and proceedings of a Civil nature.

(3) The jurisdiction of a Junior Civil Judge extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value [one lakh] rupees.

21. *Local limits of jurisdiction.*— (1) The local limits of the jurisdiction of every Civil Judge Senior or Junior, shall be such as may from time to time be fixed by the administrator in consultation with the High Court by notification in the Official Gazette.

(2) A Senior Civil Judge in addition to his ordinary jurisdiction, shall have and exercise jurisdiction in respect of such suits and proceedings of a civil nature as may arise within the local jurisdiction of such Courts presided over by a Junior Civil Judge as may be specified by the Administrator in consultation with the High Court by notification in the Official Gazette, and wherein the subject matter exceeds the pecuniary jurisdiction of the Junior Civil Judge as defined in the preceding section.

22. *Appeals from his decision.*— In all suits decided by a Civil Judge of which the amount or value of the subject matter exceeds [one lakh] the appeal from his decision shall be direct to the High Court.

23. *Appellate jurisdiction of Civil Judge.*— (1) The Administrator may invest any Senior Civil Judge with

power to hear appeals from such decrees and orders of a Junior Civil Judge as may be referred to him by the District Judge.

(2) Decrees and orders so passed in appeal by Senior Civil Judge, shall have the same force as if passed by a District Judge.

(3) A Senior Civil Judge, on whom the power of hearing appeals has once been conferred under this section shall continues to have this power so long and so often as he may fill the office of Senior Civil Judge, without reference to the place in which he may be employed:

Provided that the Administrator may by notification in the Official Gazette at any time withdraw such power.

25. *Power to invest Civil Judges with jurisdiction under special law.*— (1) The Administrator may by general or special order invest any Civil Judge within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a District Judge or a District Court as the case may be under any special law.

Every order made by a Civil Judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the High Court or the District Court according as the amount or value of the subject matter exceeds or does not exceed ten thousand rupees.

(3) Every order of the District Judge passed on appeal under sub-section (2) from the order of a Civil Judge shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals from appellate decrees.

#### PART IV

##### Miscellaneous

26. *Suits in which the Government is a party.*— (1) No Court other than the [“Court of a Senior Civil Judge”] shall receive or register any suit in which the Central Government or the Administrator of the Government of Goa, Daman and Diu or any officer of Government in his official capacity, is a party:

Provided that the administrator may by general or special order notified in the Official Gazette, direct that the provisions of this section shall not apply to any suit or class or category of suits of the nature referred to therein.

(2) Nothing in this section shall be deemed to apply to a suit against the administration of a Government Railway.

27. *Seal.*— (1) The District Judge shall use a circular seal, in 050.8 metres in diameter, which bear thereon the Ashoka Capital Motif with the following inscription in Hindi and English –

“District Court of Goa, Daman and Diu”.

(2) Every additional District Judge and Assistant Judge shall use the seal of the District Judge.

(3) Each Civil Judge shall use a circular seal one inch and a half in diameter, bearing the Ashoka Capital Motif with the following inscription in English and in Hindi:—

“Civil Judge of .....”

28. *Temporary vacancy of Judges.*— (1) In the event of the District Judge being prevented from performing his duties by illness or other casualty, or of his absence from his district on leave, or of death, the Seniormost Additional District Judge if any or in his absence, the Seniormost Assistant Judge if any or the Seniormost Civil Judge shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filling of suits and appeals, receiving pleadings, execution of processes, return of writs and the like and shall be designated Additional District Judge, Assistant Judge or Civil Judge as the case may be, in charge of the district and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

(2) In the event of the death, suspension or temporary absence of any Civil Judge, the District Judge may empower the Judge of any other subordinate Court to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or of his own Court; but in every such case the registers and records of the two Courts shall be kept distinct.

29. *Delegation of powers of District Judge.*— Any District Judge leaving the station and proceeding on duty to any place within his district may delegate to an Additional District Judge, if any, or the Assistant Judge, or in the absence of an Assistant Judge to a Civil Judge at the station, the power of performing such of the duties enumerated in the

preceding section as may be emergent; and such officer shall be designated Additional District Judge, Assistant or Civil Judge, as the case may be, in charge of the station.

35. *Rule of construction.*— Any reference in any law in force in the Union Territory to the Court of Comarca or to the Court of Julgado or to the Judge thereof, shall be construed as a reference respectively to the Court of Senior Civil Judge and the Court of Junior Civil Judge, or to the Judge thereto.

36. *Removal of difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Administrator in consultation with the High Court may, by order, published in the Official Gazette, make such provisions or give such directions (not inconsistent with the provisions of this Act) as may appear to him to be necessary for the removal of the difficulty.

Assembly Hall,  
Porvorim-Goa.  
3<sup>rd</sup> August, 2009.

J. N. BRAGANZA  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2009/1395

The following bill which was introduced in the Legislative Assembly of the State of Goa on 4th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Solid Waste Management Corporation Bill, 2009

(Bill No. 26 of 2009)

A

BILL

*to make special provision for securing the establishment and orderly development of facilities for management of solid wastes, to assist generally in the organisation and scientific management thereof, and for*

*that purpose to establish Solid Waste Management Corporation, and for the purposes connected with the matters aforesaid.*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India, as follows:—

*1. Short title, extent and commencement.—*

(1) This Act may be called the Goa Solid Waste Management Corporation Act, 2009.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

*2. Definitions.—* In this Act, unless the context otherwise requires,—

(a) “amenity” includes road, supply of water or electricity, connectivity, street lighting, drainage, sewerage, conservancy and such other convenience as the Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) “building” means any structure or erection, or a part of a structure or erection, which is intended to be used for residential, educational, commercial, industrial or other purposes, whether in actual use or not;

(c) “Collector” means the Collector of a district, and includes any Officer specially appointed by the Government to perform the functions of a Collector under this Act;

(d) “Corporation” means the Goa Solid Waste Management Corporation established under section 3;

(e) “engineering operations” include the formation or laying out of means of access to a road or the laying out of means of water supply or such engineering process for safe disposal or utilization of solid wastes;

(f) “facility” means establishment of any facility for the purpose of managing solid waste and includes institutions, industrial establishments, production and tool room, testing labs, research labs, manufacturing units, waste treatment plant, waste treatment and storage facility, environmental labs or like establishments;

(g) “Government” means the Government of Goa;

(h) “management” with its grammatical variations and cognate expressions, means carrying out of scientific, engineering and sustainable scheme for taking measures for safe disposal or utilization of the solid wastes;

(i) “means of access” includes a road, wharf or any means of access, whether private or public, for vehicles or boats or for foot passengers;

(j) “premises” means any land or building or part of a building and includes,—

(i) garden, ground and out-house, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(k) “prescribed” means prescribed by rules made under this Act;

(l) “solid waste” includes commercial and residential waste generated either in solid or semi-solid form excluding industrial hazardous waste but including treated bio-medical waste;

(m) “solid waste management” means any service which is directly or indirectly undertaken for the purpose of solid waste management and includes providing any service for effectively managing solid waste, such as, treatment, storage, disposal, utilization, etc., of solid waste;



(n) "solid waste management area/site" means any area/site selected by the Government where the Corporation may develop plots of land and/or build buildings and make them available for any solid waste management activity;

(o) the expression "land" and the expression "person interested" shall have the same meaning respectively assigned to them in section 3 of the Land Acquisition Act, 1894 (1 of 1894);

## CHAPTER II

### Establishment and Constitution of the Corporation

3. *Establishment and incorporation.*— (1) For the purpose of orderly establishment and organization or securing and assisting in the orderly establishment and organization of facility to manage solid waste, there shall be established by the Government, by notification in the Official Gazette, a Corporation by the name, the Goa Solid Waste Management Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose off property, both movable and immovable, and to contract, and do all things necessary for the purposes of this Act.

4. *Constitution.*— (1) The Corporation shall consist of the following Directors, namely:—

(a) Secretary to the Government of Goa in the Department of Science, Technology and Environment;

(b) Director, Department of Science, Technology and Environment;

(c) Member Secretary, Goa State Pollution Control Board;

(d) Director, Directorate of Panchayats;

(e) two scientific/engineering experts, to be nominated by the Government;

(f) two persons having shown capacity in developing and building facility or managing solid waste and other waste, to be nominated by the Government;

(g) two persons who are actively working in the field of social service and community development, to be nominated by the Government.

(2) The Managing Director of the Corporation shall be the Chief Executive Officer of the Corporation and shall also be the ex officio Secretary to the Corporation.

(3) The Government shall appoint one of the Directors of the Corporation to be the Chairperson of the Corporation.

5. *Disqualification for Director.*— A person shall be disqualified for being nominated as a Director of the Corporation, if he—

(a) is an employee of the Corporation, not being the Managing Director; or

(b) is of unsound mind, and stands so declared by a competent Court; or

(c) is an undischarged insolvent; or

(d) is convicted of an offence involving moral turpitude within a period of five years immediately before his being nominated as a Director.

6. *Term of office and conditions of service of Director.*— (1) The Chairperson and Directors of the Corporation nominated under sub-section (1) of section 4, shall hold office during the pleasure of the Government.

(2) The Chairperson and Directors of the Corporation nominated under sub-section (1) of section 4, shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure for attending the meeting of the Corporation or of any Committee thereof or when appointed in connection with the work undertaken by or for the Corporation, as may be prescribed by the Government from time to time.

(3) The office of Director and/or Chairperson of the Corporation, in so far as it is an office of profit under the Government, shall not disqualify the holder of such office for being chosen as and for being a member of the Legislative Assembly of Goa.

**7. Meetings of Corporation.**— (1) The Corporation shall meet at such times and places, and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to the transaction of its business, as may be prescribed.

(2) A Director, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the Corporation shall, at the earliest possible opportunity, disclose the nature of his interest to the Corporation, and shall not be present for any meeting of the Corporation when any such contract, loan, arrangement or proposal is discussed.

(3) There shall be atleast 1/3rd of the total number of Directors of the Corporation present for any meeting so called, failing which, the meeting shall stand cancelled. The Managing Director who shall function as *ex officio* Secretary to the Corporation shall essentially remain present for all such meetings.

**8. Cessation of Director.**— If a Director,—

(a) becomes subject to any of the disqualifications mentioned in section 5; or

(b) tenders his resignation in writing to, and such resignation is accepted by, the Government; or

(c) is absent without the leave from Chairperson for three consecutive meetings of the Corporation, or from all meetings of the Corporation for three consecutive months; or

(d) is convicted of an offence involving moral turpitude;

he shall cease to be a Director of the Corporation.

**9. Vacancies how to be filled.**— Any vacancy of a Director of the Corporation shall be filled as early as practicable in like manner:

Provided that during any such vacancy, the continuing directors may act as if no vacancy had occurred.

**10. Temporary absence of Directors.**— (1) If the Chairperson or any other Director of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties or is granted leave of absence by the Government, or is otherwise unable to attend to his duties in circumstances not involving the cessation of his Directorship, the Government may appoint another person who fulfills the requirements thereof, to act for him and carry out his duties and functions by or under this Act. Such person shall vacate office on the date when the Director for whom he is acting resumes his duties.

(2) In the absence of the Chairperson, the Directors present shall choose the Presiding Officer to preside over the meetings of the Corporation.

**11. Proceedings presumed to be good and valid.**— No disqualification of, or defect in the appointment of, any person acting as the Chairperson or Director of the Corporation, shall vitiate any act or proceeding of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Act.

**12. Officers and servants of the Corporation.**— (1) The Government shall appoint a Managing Director and a Chief Accounts Officer of the Corporation.

(2) The Corporation may appoint such other officers and servants, sub-ordinate to the officers mentioned in sub-section (1), as it considers necessary for the efficient performance of its duties and functions, subject to the approval of the Government.

(3) The conditions of appointment and service of the Managing Director, the Chief

Accounts Officer and other officers and servants of the Corporation shall be such as may be prescribed.

### CHAPTER III

#### Functions and Powers of the Corporation

13. *Functions.*— The functions of the Corporation shall be,—

(i) generally to establish or to promote and assist in the rapid and orderly establishment, growth and development of solid waste management services and facilities in the State of Goa, in order to develop and create clean and sustainable waste free environment in the State of Goa.

(ii) in particular and without prejudice to the generality of clause (i) to—

(a) establish and develop facility for effective management of solid waste at places selected by the Government;

(b) develop areas in consultation with the Government for the purpose of making them available for such institutions and solid waste management service providers to establish themselves;

(c) promote and implement schemes for managing solid waste and other waste at household, institutional, corporate and panchayat level;

(d) develop a database of available technology to tackle various solid waste and other waste problems at various levels;

(e) develop facilities relating to information, dissemination and mass awareness to educate the general public and other establishments;

(f) encourage development of research facilities, provide aid to organizations, individuals, institutions, panchayats to develop and implement new models, etc.;

(g) hold conferences, workshops, panel discussions, etc.;

(h) undertake schemes or works, either jointly or on agency basis, with other corporate bodies or institutions, or with the Government, in furtherance of the purposes for which the Corporation is established and all matters connected therewith.

14. *General powers of the Corporation.*— Subject to the provisions of this Act, the Corporation shall have power,—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities and to lease, sell, exchange or otherwise transfer any property held by it on such conditions including a condition that any fees charged by the transferee shall be in accordance with such guidelines that may be framed by the Corporation in this regard from time to time as may be deemed proper by the Corporation;

(b) to provide or cause to be provided amenities and common facilities in solid waste management area/site and construct and maintain or cause to be maintained works and buildings thereof;

(c) to make available buildings on lease to the persons intending to start solid waste management services or facilities;

(d) (i) to allot plots of land or buildings or parts of buildings, including residential tenements to suitable persons in the solid waste management area/site established or developed by the Corporation;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment;

(e) to constitute advisory committee to advise the Corporation;

(f) to engage suitable consultants or persons having special knowledge or skills

to assist the Corporation in the performance of its functions;

(g) subject to the previous permission of the Government, to delegate any of its powers, generally or specially, to any of its committees or officers, and to permit them to re-delegate specific powers to their subordinates;

(h) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and

(i) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and for carrying into effect the purposes of this Act.

15. *Authentication of orders and documents of Corporation.*— All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of officer authorised by the Corporation in this behalf.

16. *Directions by the Government.*— The Government may issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

#### CHAPTER IV

##### Finance, Accounts and Audit

17. *Application of Corporation's assets.*— All property, funds and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions and for the purposes of this Act.

18. *Corporation's fund.*— (1) The Corporation shall have and maintain its own fund, to which shall be credited,—

(a) all monies received by the Corporation by way of grants, subventions, loans, advances or otherwise;

(b) all fees, costs and charges received by the Corporation under this Act;

(c) all monies received by the Corporation from the disposal of lands, buildings and other properties, movable and immovable, and other transactions;

(d) all monies received by the Corporation by way of rent and profits, or in any other manner or from any other source including the proceeds of any loan authorised by section 20.

(2) The Corporation may keep in current or deposit account with any nationalized bank to be approved by the Government in this behalf, such sum of money out of its fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated upon by such officers of the Corporation as may be prescribed.

19. *Grants, subventions, loans and advances and capital contribution to the Corporation.*— The Government may, after due appropriation made by the State Legislature by law in this behalf, make such grants, subventions, loans and advances and capital contribution to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act, and all grants, subventions, loans and advances and capital contribution made shall be on such terms and conditions as the Government may, after consulting the Corporation, determine:

Provided that the Corporation will have to raise such funds essential for its functioning and such other funds for its intended projects through revenue generation measures and create sufficient fund-base to maintain its sustainability, following which the Government shall appropriately decrease its contribution or grants, as the case may be.

20. *Power of the Corporation to borrow.*— The Corporation may, subject to such



conditions as may be prescribed in this behalf, borrow money in the open market or otherwise with a view to providing itself with adequate resources, with prior approval of the Government.

21. *Deposits.*— The Corporation may accept deposits on such conditions as it deems fit from persons, authorities or institutions to which allotment or lease of land, buildings or sheds is made or is likely to be made in furtherance of the objects of this Act.

22. *Reserve and other funds.*— (1) The Corporation shall make provision for such reserve and other specially denominated funds as the Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilized for any purpose other than that for which it was constituted, without the previous approval of the Government.

23. *Expenditure from funds.*— (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorized under this Act from and out of the general fund of the Corporation referred to in section 18 or from the reserve and other funds referred to in section 22, as the case may be.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute such sums as it thinks fit towards expenditure incurred or to be incurred in the performance of any of the statutory functions of the Corporation, including expenditure incurred in the acquisition of land.

24. *Budget and programme of work.*— (1) The Corporation shall, by such date in each

year as may be prescribed, prepare and submit to the Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year provided that all such variations and re-appropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

(4) A copy of each annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly as soon as may be after their receipt by the Government.

25. *Accounts and audit.*— (1) The Corporation shall maintain books of account and other books in relation to its business and transactions in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the Government, in the prescribed manner.

(3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof with a copy of the report of the auditor thereon to the Government.

(4) The Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the Legislative Assembly.

26. *Concurrent and special audit of accounts.*— (1) Notwithstanding anything contained in section 25, the Government may order that there shall be concurrent audit of

the accounts of the Corporation by such persons as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

## CHAPTER V

### Acquisition and Disposal of Land

27. *Acquisition of land for the Corporation to be a public purpose.*— Any land required by the Corporation for carrying out any of its functions shall be deemed to be needed for a public purpose and may be acquired under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or any other law for the time being in force.

28. *Use of land by the Corporation.*— The Corporation may use the land, by itself or permit user of the land through any other agency, for securing the purposes of this Act:

Provided that the Corporation shall obtain Government approval where the land is to be used by any other agency and such approval shall also include approval of the terms and conditions of user.

29. *Government lands.*— (1) For the furtherance of the objects of this Act, the Government may, upon such conditions as may be agreed upon between the Government and the Corporation, place at the disposal of the Corporation any lands vested in the Government.

(2) After any such land has been developed by, or under the control and supervision of the Corporation, it shall be dealt with by the Corporation in accordance with the provisions

of this Act and rules made hereunder and directions given by the Government in this behalf.

(3) If any land placed at the disposal of the Corporation under sub-section (1) is required at any time thereafter by the Government or is not required by the Corporation, the Corporation shall place it at the disposal of the Government upon such terms and conditions as may be mutually agreed upon.

## CHAPTER VI

### Supplementary and Miscellaneous Provisions

30. *Powers of Corporation in case of certain defaults by owner of land in solid waste management area/site.*— (1) If the Corporation, after holding a local inquiry, or upon report from any of its officers or other information in its possession, is satisfied that the holder of any land where solid waste management facility is provided, has failed to provide any amenity in relation to the land which in the opinion of the Corporation ought to be provided or has failed to carry out any development of the land for which permission has been obtained under this Act, the Corporation may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then the Corporation may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that, before taking any action under this sub-section, the Corporation shall afford a reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Corporation or the agency employed by it in providing the amenity or carrying out the development

together with interest, at such rate as the Government may by order fix, from the date when a demand for the expenses is made until payment, shall be recoverable by the Corporation from the owner.

**31. Penalty for construction or use of land and buildings contrary to terms of holding.—**

(1) Any person who, whether at his own instance or at the instance of any other person, undertakes or carries out construction of or alteration to any building in any solid waste management area/site contrary to the terms under which he holds such building or land under this Act or any rules made hereunder shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing contravention, with a further fine which may extend to one thousand rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in a solid waste management area/site contrary to the terms under which he holds such land or building under this Act or any rules made hereunder in this behalf shall, on conviction, be punished with fine which may extend to one lakh rupees.

**32. Power to lay pipe lines, etc.—** (1) Within any area taken up for development under sub-clause (b) of clause (ii) of section 13, the Corporation, or any person empowered in this behalf by the Government by notification in the Official Gazette (hereinafter in this section referred to as “the authorized person”), may, for the purposes of (a) carrying gas, water or electricity from a source of supply to the said area or (b) constructing any sewers or drains through any intervening area, lay down, place, maintain, alter, remove or repair any pipes, pipe lines, conduits, supply or service lines, posts or other appliances or apparatus in, on, under, over, along or across any land in such areas.

(2) The Corporation or the authorized person may at any time enter upon any land in any such area and in such event the

provisions of section 33 shall, mutatis mutandis, apply.

(3) While exercising the power conferred by sub-section (1), the Corporation or the authorized person shall cause as little damage as possible to property. Full compensation to all persons interested for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid, as the case may be, by the Corporation or, in the case of the authorized person, by the Government.

(4) Nothing herein shall authorise or empower the Corporation or the authorized person to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use without the consent of the owner and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down:

Provided that, nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the Government in the normal course.

**33. Powers of entry.—** Any officer of the Government, or that of the Corporation, either generally or specially authorized by the Government or the Corporation, in this behalf, may enter into or upon any land or building with or without assistants or workmen for the purpose of,—

(a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;



(d) setting out boundaries and intended lines of work;

(e) marking such levels, boundaries and lines by placing marks and cutting trenches;

(f) doing any other thing necessary for the efficient administration of this Act:

Provided that,—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or of there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women (if any), to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building erected.

34. *Officers of the Corporation may be vested with other powers.*— The Government may, by notification in the Official Gazette, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any commodity in respect of the facilities for solid waste and other waste management established or to be established in the solid waste management area/site or in such areas entrusted to or developed by the Corporation and no such nomination shall be called into question merely on the ground that such officer is not an officer of the Government.

35. *Overriding powers of Government to issue directions to local authorities.*— Notwithstanding anything contained in any other law, or in any licence or permit, if the Government is satisfied, either on a recommendation made in this behalf by the Corporation or otherwise, that the setting up of solid waste or other waste management facility (whether within a solid waste

management area/site or outside) is impeded by a local authority's refusal to grant, or by such authority's insistence on conditions which the Government considers unreasonable for the grant of, any amenity, the Government may direct the local authority to grant such amenity on such conditions as it may consider fit, and thereupon the amenity shall be granted:

Provided that the charge to be paid for granting or continuing such amenity to the local authority concerned is not less than the cost to the local authority or licensee concerned for providing such amenity:

Provided further that no such direction shall be issued by the Government unless the local authority shall have been given a reasonable opportunity to show cause why any such direction should not be made.

36. *Declaration of solid waste management area/site.*— (1) Notwithstanding anything to the contrary contained in any other State law for the time being in force, the Government may, by notification in the Official Gazette,—

(a) for the purpose of establishing facilities for solid waste and other waste management, and its disposal, declare any area as solid waste management area/site;

(b) appoint the Corporation or any officer or Committee thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in that area/site shall cease to apply and thereupon such provisions shall cease to apply thereof:

Provided that the local authority which were receiving house tax from the occupants in the solid waste management area/site under their respective laws, shall be compensated by the Government to the

extent of the last financial year's collection of taxes for such period as may be determined by the Government which shall not be less than five years;

(d) make other provision as is necessary for the purpose of the enforcement of the provision so provided to that area/site.

(2) Before the publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than English and circulating in the area to be specified in the notification, and inviting from all persons who have any objections to the said proposal, to submit the same in writing with reasons thereof to the Government within one month from the date of publication of the proclamation in the Official Gazette.

(3) No such notification under sub-section (1) shall be issued by the Government, unless the objections, if any, so submitted under sub-section (2) are, in its opinion, insufficient or invalid.

*37. Recovery of sums due to the Corporation as arrears of land revenue.*— All sums payable by any person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.

*38. Service of notices, etc.*— (1) All notices, orders and other documents required by this Act or any rule made hereunder to be served upon any person shall, save as otherwise provided in this Act or such rule be deemed to be duly served,—

(a) where the person to be served is a company, if the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 (1 of 1956);

(b) where the person to be served is a firm, if the document is addressed to the firm

at its principal place of business identifying it by the name or style under which its business is carried on, and is either,—

(i) sent under a certificate of posting or by registered post; or

(ii) left at the said place of business;

(c) where the person to be served is a statutory public body or a corporation or a society or other body, if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society at its principal office and is either,—

(i) sent under a certificate of posting or by registered post; or

(ii) left at that office or at the place of establishment;

(d) in any other case, if the document is addressed to the person to be served and,—

(i) is given or tendered to him, or office or place of establishment;

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates; or

(iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed to "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served,—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed on some conspicuous part of the land or building.

(3) Where a document is served on a firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any), of the property may be required by notice in writing by the Government or the Corporation, as the case may be, to state the name and address of the owner thereof.

39. *Public notices how to be made known.*— Every public notice given under this Act or any rule made hereunder shall be in writing over the signature of the officer concerned and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places, within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, or by any two or more of these means, and by any other means that the officer may think fit.

40. *Notices, etc. to fix reasonable time.*— Where any notice, order or other document issued or made under this Act or any rule made hereunder requires anything to be done for the doing of which no time is fixed by this Act or the rule, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith.

41. *Furnishing of returns, etc.*— (1) The Corporation shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the Government may from time to time require.

(2) The Corporation shall, in addition to the audit report referred to in section 25, furnish to the Government an annual report on its working as soon as may be after the end of each financial year in such form and detail as may be prescribed, and a copy of the annual report shall be placed before the Legislative Assembly as soon as may be after it is received by the Government.

42. *Withdrawal of area/site or part thereof.*— Where the Government is satisfied that in respect of any particular solid waste management area/site, or any part thereof, the purpose for which the Corporation was established under this Act, has been substantially achieved so as to render the continued existence of such area/site or part thereof under the Corporation unnecessary, the Government may, by notification in the Official Gazette, declare that such solid waste management area/site or part thereof has been removed from the jurisdiction of the Corporation. The Government may also make such other incidental arrangements for the administration of such area/site or part thereof as the circumstances necessitate.

43. *Default in performance of duty.*— (1) If the Government is satisfied that the Corporation has made a default in performing of any duty or obligation imposed or cast on it by or under this Act, the Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.

(2) If, in the opinion of the Government, the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the Government to supersede and reconstitute the Corporation, as it deems fit.

(3) After the supersession of the Corporation and until it is re-constituted in the manner laid down in Chapter II, the powers, duties and functions of the Corporation under this Act shall be carried on by the Government or by such officer or officers or body of officers as

the Government may appoint for this purpose from time to time.

(4) All property vested in the Corporation shall during the period of supersession vest in the Government.

44. *Dissolution of Corporation.*— (1) Where the Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved so as to render the continued existence of the Corporation in the opinion of the Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, whereupon the Corporation, shall be deemed to be dissolved accordingly.

(2) From the said date,—

(a) all properties, funds and dues which are vested in, or realisable by, the Corporation shall vest in, or be realisable by, the Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.

45. *Authority for prosecution.*— Unless otherwise expressly provided, no Court shall take cognizance of any offence relating to property belonging to, or vested by or under this Act, in the Corporation, punishable under this Act, except on the complaint of, or upon information received from the Corporation or some person authorized by the Corporation by general or special order in this behalf.

46. *Composition of offences by Corporation.*— (1) The Corporation or any person authorized by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall

be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

47. *Offence by companies.*— (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, or was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation:*— For the purposes of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

48. *Penalty for obstruction.*— (1) Any person who obstructs the entry of a person authorized under section 33 or any person with whom the Corporation has entered into a contract for the performance and execution of any act by such person, to enter into or upon any land



or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction by a competent court, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) If any person removes any mark set up for the purpose of indicating any level, boundary line, or direction necessary to the execution of works authorized under this Act, he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees ten thousand or with both.

49. *Power to make Rules.*— (1) The Government, after consultation with the Corporation in regard to matters concerning it, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that a consultation with the Corporation shall not be necessary on the first occasion of the making of rules under this section, but the Government shall take into consideration any suggestions which the Corporation may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) under section 6, the honorarium or compensatory allowance of the Directors including the Chairperson of the Corporation;

(b) under section 7, the time and place of meetings of the Corporation and the procedure to be followed in regard to the transaction of business at such meetings;

(c) under section 12, the conditions of appointment and service of the Managing Director, Chief Accounts Officer and other officers and servants of the Corporation;

(d) under section 18(2), the sums of money to be kept by the Corporation in current and deposit accounts;

(e) under section 18(3), the officers of the Corporation who may operate its accounts;

(f) under section 20, the conditions subject to which the Corporation may borrow;

(g) under section 24, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the Government and the form and manner of preparing such statement;

(h) under section 25, the form and manner of maintaining accounts;

(i) under section 29(2), the manner in which Government lands shall be dealt with by the Corporation after development;

(j) under section 31, the additional terms and condition subject to which land and building in solid waste management area/site may be held or used;

(k) under section 41, the form of, and the details to be given in, the annual report;

(l) the fees which may be charged by the Corporation;

(m) any other matter which has to be, or may be, prescribed by rules.

(3) All rules made under this section shall be laid before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Assembly may make during the session in which they are so laid, or the session immediately following.

50. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for

anything which is in good faith done or intended to be done under this Act or any rule made hereunder.

51. *Notice of suit and limitation of suits against the Corporation, Committees, officers and servants for acts done in pursuance of execution of this Act.*— (1) No suit shall lie against the Corporation or against any Committee constituted under this Act or against any Officer, or servant of the Corporation in respect of any act done in pursuance of the execution or intended execution of this Act, or in respect of any alleged neglect, or default in the execution of this Act,—

(a) unless it is commenced within six months after the accrual of the cause of action; and

(b) until the expiration of two months after the notice in writing has been, in the case of the Corporation or it's Committee, delivered or left at the Corporation's office and in the case of an officer or servant of the Corporation, delivered to him or left at his office or place of abode and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Corporation, be made from the Corporation funds.

52. *Directors, officers and staff of Corporation to be public servants.*— All directors, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

53. *Power to remove doubts and difficulties.*— (1) If any difficulty arises in

giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

54. *Act to have overriding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law.

#### Statement of Objects and Reasons

There is an urgent requirement for securing the establishment and orderly development of requisite facilities, to manage Solid Waste in the State of Goa. The Municipal Solid Wastes (Management and Handling) Rules, 2000 have been framed by the Central Government under the Environment (Protection) Act, 1986 (29 of 1986) so as to regulate the management and handling of the municipal solid wastes, which are applicable to municipal areas only. There is also an urgent need to address the problem of waste disposal at village panchayat/rural areas of the State of Goa in a co-ordinated and effective manner. A special focus requires to be given for management of waste in coastal belts, rural areas and other such areas as proposed by the Government. For this purpose, it is required to establish the Goa Solid Waste Management Corporation to assist generally in the organization and scientific management of Solid Waste in such areas in the State of Goa. The Goa Solid Waste Management Corporation would promote and assist in the rapid and orderly establishment, growth and development of Solid Waste Management services and facilities in the State of Goa, in order to develop and create such clean and sustainable waste free

environment in the State. The Goa Solid Waste Management Corporation shall develop solid waste service facility, promote and implement scheme for managing solid waste and other waste at household, institutional, corporate, village panchayat level and also develop facilities related to information dissemination and creation of awareness for the purpose of educating general public and other establishments. The said Corporation would encourage development of research facility and provide aid to such organization/individuals/institution to implement new models and also to undertake schemes or works with other corporate bodies or institution or with the Government, in furtherance of the purpose for which the Corporation is established.

This Bill seeks to achieve the above object.

#### Financial Memorandum

The Bill provides for establishment of the Goa Solid Waste Management Corporation. In furtherance to achieving its objectives and functions, the Corporation shall acquire certain fixed assets, land and building, machinery and employ staff for which purpose the Government through Department of Science, Technology and Environment (DSTE) shall provide for sufficient grant-in-aid in the first instance to achieve establishment of the Corporation. The Corporation is expected to generate such revenue from its solid waste management projects and facilities which would provide for upkeep and maintenance of the facilities of the Corporation.

#### Memorandum Regarding Delegated Legislation

Clause 1 (3) of the Bill empowers the Government to appoint a date, by notification in the Official Gazette, for bringing into force the Act.

Clause 2 (a) of the Bill empowers the Government to specify an amenity by notification in the Official Gazette.

Clause 3 (1) of the Bill empowers the Government to establish, by notification in the Official Gazette, the Goa Solid Waste Management Corporation.

Clause 6 (2) of the Bill empowers the Government to frame rules to specify the honorarium or compensatory allowance entitled to the Chairperson and Directors of the Corporation.

Clause 7 (1) of the Bill empowers the Corporation to frame rules providing for the time, place of meeting of Corporation and the rules of procedure in regard to the transaction of its business.

Clause 12 (3) of the Bill empowers the Government to frame rules specifying the conditions of appointment and service of the Managing Director, the Chief Accounts Officer and other officers and servants of the Corporation.

Clause 18 (2) of the Bill empowers the Government to frame rules specifying the sums of money to be kept by the Corporation in current and deposit accounts.

Clause 18 (3) of the Bill empowers the Corporation to make rules authorizing the officers of the Corporation who may operate the accounts of the Corporation.

Clause 20 of the Bill empowers the Government to frame rules to specify the conditions subject to which the Corporation may borrow money.

Clause 24 of the Bill empowers the Government to frame rules specifying the date by which the annual financial statement and programme of work to be submitted by the Corporation and the form and manner of preparing such statements.

Clause 25 of the Bill empowers the Government to frame rules specifying the form and manner of maintaining accounts of the Corporation.



Clause 29 of the Bill empowers the Corporation to frame rules specifying the manner in which lands shall be dealt with by the Corporation after development.

Clause 30 (3) of the Bill empowers the Government to fix the rate of interest by an order.

Clause 32 of the Bill empowers the Government to empower any person, by notification in the Official Gazette, to lay down, place, maintain, alter, remove or repair any pipe, pipelines, conduits, etc.

Clause 34 of the Bill empowers the Government to nominate, by notification in the Official Gazette, any officer of the Corporation to be a controller or licensing authority under any law.

Clause 36 (a) of the Bill empowers the Government to declare any area as Solid Waste Management area/site by notification in the Official Gazette.

Clause 41 of the Bill empowers the Government to frame rules specifying the form and details of the annual report.

Clause 42 of the Bill empowers the Government to declare, by notification in the Official Gazette, that Solid Waste Management area/site or part thereof has been removed from the jurisdiction of the Corporation.

Clause 45 of the Bill empowers the Corporation to authorize a person by general or special order, to make complaint or give information of any offence relating to property of the Corporation.

Clause 49 of the Bill empowers the Government to frame rules for carrying out the purposes of the Act.

Clause 53 of the Bill empowers the Government to make order for removing any doubt or difficulty, which arose while giving effect to the provisions of the Act.

These delegations are of normal character.

Secretariat, (ALEIXO SEQUEIRA)  
New Annexe, Minister for Environment  
Porvorim-Goa.  
Date: 31-07-2009.

Goa Legislature Secretariat, (J. N. BRAGANZA)  
Porvorim-Goa. Secretary  
Date: 31-07-2009. (Legislature)

### Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Goa Solid Waste Management Corporation Bill, 2009.

LA/LEGN/2009/1396

The following bill which was introduced in the Legislative Assembly of the State of Goa on 4th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa University (Amendment) Bill, 2009

(Bill No. 17 of 2009)

A

BILL

*further to amend the Goa University Act, 1984  
(Act No. 7 of 1984).*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa University (Amendment) Act, 2009.

(2) It shall be deemed to have come into force with effect from 31-5-2009.

2. *Substitution of section 15A.*— For section 15A of the Goa University Act, 1984 (Act 7 of 1984), the following section shall be substituted, namely:—

“15A. *Retirement age.*— (1) The retirement age on superannuation of the teaching staff of the Goa University and of the affiliated Colleges of the Goa University, whether aided by the Government or not, including the Principals of such Colleges, shall be sixty two years:

Provided that any member of the teaching staff referred to above who is due to retire on superannuation at sixty two years such member of the teaching staff shall be allowed to retire from the afternoon of the last day of the month in which age of superannuation is attained.

(2) The retirement age on superannuation of persons other than the teaching staff of the Goa University and of the affiliated colleges of the Goa University, whether aided by the Government or not, shall be sixty years only.

#### Statement of Objects and Reasons

Section 15A of the Goa University Act (Act 7 of 1984) provides for retirement age of superannuation of teaching staff and of employees of ‘D’ category of the Goa University and of the affiliated Colleges of Goa University, whether aided by the Government or not, including the Principals of such colleges, at the age of 60 years. In order to prevent academic loss resulting from want of senior experienced teachers and NET/SET

qualified teachers leaving the Goa University and of the Colleges affiliated to Goa University, it is essential to enhance the age of retirement to the extent of 62 years for the teaching staff of the Goa University and of the affiliated Colleges, so that the students will acquire the benefit and rich experience of teaching staff. However, the employees and non-teaching staff of the Goa University and of affiliated colleges would retire at the age of 60 years on superannuation.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

The financial implications involved in the proposed enhancement of retirement age from 60 years to 62 years of all the teaching staff of the Goa University and its affiliated Colleges works out to Rs. 4.00 crores approximately annually. This additional liability arises from salary differential and higher pension scales.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this bill.

Panaji-Goa.  
3rd August, 2009.

ATANASIO MONSERRATE  
Minister for Education

Assembly Hall,  
Porvorim-Goa.  
3rd August, 2009.

J.N. BRAGANZA  
Secretary (Legislature)

#### Governor's Recommendation

In pursuance of Article 207 of the Constitution of India, I, Dr. Shivinder Singh Sidhu, Governor of Goa, hereby recommend the introduction and consideration of the Goa University (Amendment) Bill, 2009 by the Legislative Assembly of Goa.

## ANNEXURE

**Extract of the Goa University Act, 1984**

“15A. *Retirement age*.— (1) The retirement age on superannuation of the teaching staff and of employees in ‘D’ category of the Goa University and of the affiliated colleges of the Goa University, whether aided by the Government or not, including the Principals of such colleges, shall be sixty years:

Provided that any member of the teaching staff referred to above who is due to retire on superannuation at sixty years in the middle of the academic year, such member of the teaching staff shall be allowed to retire at the end of such academic year.

(2) A member of the teaching staff who is allowed to retire at the end of the academic year 2005-2006 on completion of the age of fifty-eight years on any day during the said academic year 2005-2006 shall also retire at the age of sixty years and the provisions of sub-section (1) shall accordingly apply to such member of teaching staff.

(3) The retirement age on superannuation of persons other than the teaching staff and of employees in ‘D’ category as stated in sub-section (1) above, by whatever category called, of the Goa University and affiliated colleges of the Goa University, whether aided by the Government or not, shall be fifty-eight years.

*Explanation*.— For the purpose of this section,—

(a) “academic year” shall mean the period from 1st June to 31st May;

(b) “teaching staff” shall mean and include all the teaching staff of the Goa University and also of all the colleges affiliated to the Goa University including Principals of such colleges.

Assembly Hall,  
Porvorim-Goa.  
3rd August, 2009.

J. N. BRAGANZA  
Secretary (Legislature)

LA/LEGN/2009/1401

The following bill which was introduced in the Legislative Assembly of the State of Goa on 5th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Tax on Infrastructure Bill, 2009

(Bill No. 23 of 2009)

A

BILL

*to consolidate and amend the law relating to levy and collection of tax on buildings for infrastructure in the State of Goa.*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:-

### 1. *Short title, extent and commencement*.—

(1) This Act may be called the Goa Tax on Infrastructure Act, 2009.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions*.— In this Act, unless the context otherwise requires,—

(a) “classification of land” means the classification assigned to land by zoning or use;

(b) “commercial building” means a building or structure consisting of shop, godown or office premises, either on ground floor or any other floor, used wholly or partly for business activities;

(c) “competent authority” means such authority or officer of the Government, as the Government may, by notification in the Official Gazette, specify;

(d) “floor area” means floor area as defined in the Planning and Development Authority (Development Plan) Regulations, 2000, or any subsequent regulations thereto made under the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Act 6 of 2008), for the time being in force;

(e) "Government" means the Government of Goa;

(f) "industrial building" means any building or structure constructed for the purpose of carrying out medium and large scale industrial activities within or outside the areas earmarked and notified as industrial estates/areas, but does not include building constructed for carrying out small scale industrial activity;

(g) "infrastructure" means the provision of potable water, electricity and other amenities like roads, drains, foot paths, sewerage system, etc.;

(h) "local authority" means a Municipal Council constituted under the Goa Municipalities Act, 1968 (Act No. 7 of 1969) or a Panchayat constituted under the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994) or a Municipal Corporation constituted under any law and includes the Goa Industrial Development Corporation constituted under the Goa Industrial Development Act, 1965 (22 of 1965);

(i) "notification" means a notification published in the Official Gazette;

(j) "prescribed" means prescribed by the rules made under this Act;

(k) "residential building" means any building or structure consisting either of a single self contained unit having built up area of more than 100 square meters or more than one independent unit used for domestic purpose but does not include building constructed for educational institution, orphanage, old age home, home for spastic/retarded children or by any other non-profitable organization and such other organizations as may be notified by the Government in public interest;

(l) "Schedule" means the Schedule appended to this Act.

3. *Tax on Infrastructure.*— (1) On any construction to be undertaken by any person on any land specified in the Schedule hereto, there shall be levied and paid a tax on infrastructure at the rates specified in the said Schedule.

(2) The Government may, by notification in the Official Gazette, amend any entry in the Schedule and the Schedule shall be deemed to have been amended accordingly.

(3) Every notification made under sub-section (2) shall be laid as soon as may be after it is made on the table of Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the notification or the Legislative Assembly agrees that the notification should not be made and notify such decision in the Official Gazette, the notification shall from the date of publication of such decision have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that notification.

(4) Where a licence for construction has already been issued to any person before the commencement of this Act, the infrastructure tax shall be levied and paid at the time of the renewal of the construction licence or before the issuance of the occupancy certificate/ completion certificate, whichever is earlier, after carrying out assessment of tax through the Competent Authority under this Act.

(5) The tax on infrastructure payable under sub-section (1), shall be assessed and collected by the Competent Authority at the time of approving the construction plan or at the time of issuing construction licence.

*Explanation:—* While assessing the said tax under this Act,—

(a) where a building proposed to be constructed is in a land earmarked for commercial use/zone, the rate of tax applicable thereto shall be as applicable to commercial buildings irrespective of its use;

(b) where a building proposed to be constructed is in a land earmarked for other use or in zone other than commercial zone, in any plan in force, such as residential or settlement zone, where commercial utilization of building is done partly on the ground floor or any other floor, the rate of tax applicable to commercial buildings shall be charged only to the floor area which is used for commercial purpose while for other area of the building which is used for residential purpose, the rate applicable to residential building shall be charged while assessing infrastructure tax.

(6) The tax collected by the Competent Authority shall be credited into the Government Treasury.

(7) Any person aggrieved by an assessment made by the competent authority under sub-section (5) may, within thirty days of communication of such assessment by the competent authority, prefer an appeal before the prescribed authority whose decision shall be final and binding on all parties.

(8) An appeal under sub section (7) shall set out the grounds of appeal and shall be verified by the appellant. It shall accompany the order of the competent authority and its enclosures if any. The appellant shall also pay a fee of Rupees one thousand in the form of Court fee.

4. *Act not in derogation of other laws.*— The provisions of this Act shall be in addition to, the laws governing the building activities, including The Goa Municipalities Act, 1968 (Act 7 of 1969), The Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), The Goa Panchayat Raj Act, 1994 (Act

14 of 1994), The City of Panaji Corporation Act, 2002 (Act 1 of 2003) and The Goa (Regulation of Land Development and Building Construction) Act, 2008 (Act 6 of 2008).

5. *Local authority not to issue construction Licence.*— (1) No local authority shall issue a construction licence to any residential building or a commercial building or an industrial building unless a person applying for the construction licence has paid the infrastructure tax due under this Act, in respect of such building or structure.

(2) No person shall start constructing a residential building or a commercial building or an industrial building unless the tax payable under this Act, in respect of such building or structure, has been paid.

6. *Local Authority not to issue Occupancy Certificate.*— (1) No local authority shall issue Occupancy Certificate to any residential building or commercial building or industrial building for which the construction licence has been issued before the coming into force of this Act, unless the person applying for it produces a certificate from the competent authority that the tax due under this Act has been paid in respect of such building or structure, as the case may be.

(2) No person shall occupy any building or part thereof unless the tax payable under this Act in respect of such building or structure has been paid.

7. *Penalty.*— Whoever contravenes the provisions of this Act shall, on conviction, be liable to imprisonment for a term not exceeding one year and/or liable to pay a fine, twice the amount of tax payable under this Act.

8. *Offences by Companies.*— (1) Where an offence under this Act has been committed by a company, every person, who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of business of the



company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such an offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or in connivance of, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation:*—For the purpose of this section,—

(a) “Company” means a body corporate and includes a firm or an association of individuals; and

(b) “Director” in relation to a firm means a partner in the firm.

9. *Recovery or Refund of Tax on Infrastructure.*— (1) If any amount on account of tax on infrastructure is found to be due from any person, without prejudice to any other mode of recovery, the same may be recovered as arrears of land revenue under the provisions of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).

(2) Any amount paid in excess of infrastructure tax due to clerical error, typographical error or wrong assessment, the same shall be refunded to the concerned person/s on an application made by him to the competent authority, within a period of one year from the date of payment of the tax.

(3) In case of any revision in the plan, resulting in any addition or deletion of building area, then the tax on infrastructure levied on such building area shall be recovered or refunded, as the case may be, to the concerned person on an application made to the competent authority under this Act.

10. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Legislative Assembly.

11. *Repeal and Saving.*— (1) The Goa Tax on Infrastructure Act, 1997 (Goa Act No. 12 of 1997) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under this Act.

**SCHEDULE**  
(See section 3)

**Statement of Objects and Reasons**

CLASSIFICATION OF LAND USE IN OUTLINE DEVELOPMENT PLAN (ODP)/ZONING PLANS	CATEGORY OF BUILDING OR STRUCTURE BUILD ON THE LAND MENTIONED IN OUTLINE DEVELOPMENT PLAN (ODP)/ZONING PLANS AND AS SPECIFIED IN COLUMN (1)	RATE OF TAX ON INFRASTRUCTURE PAYABLE PER SQUARE METER OF FLOOR AREA
(1)	(2)	(3)
Residential	(1) Residential building or structure which admeasures 100 square metre or below	Nil
	(2) Residential building or structure which admeasures 101 square metre or above	Rs. 50/-
Commercial	(3) Commercial building or structure	Rs. 100/-
Industrial	(4) Industrial building or structure	Rs. 100/-

CLASSIFICATION OF LAND USE IN REGIONAL PLAN	CATEGORY OF BUILDING OR STRUCTURE BUILD ON THE SAID LAND USE IN REGIONAL PLAN	RATE OF TAX ON INFRASTRUCTURE PAYABLE PER SQUARE METER OF FLOOR AREA
Settlement Residential	(1) Residential building or structure which admeasures 100 square meter or less	Nil
	(2) Residential building or structure which admeasures 101 square metre or above	Rs. 50/-
Commercial	(3) Commercial building or structure	Rs. 100/-
Industrial	(4) Industrial building or structure	Rs. 100/-

In the year, 1997, the Legislative Assembly has enacted the legislation viz. "The Goa Tax on Infrastructure Act, 1997" to enable the Government to levy and collect a tax called Infrastructure tax, to meet the expenditure that will have to be incurred by the Government for providing infrastructure facilities to the newly constructed multi dwelling buildings etc.

However, the provisions of the said Act are found to be inadequate, with reference to the smaller buildings coming up alongwith the multi storeyed building which are also used for both residential as well as the commercial purpose, requiring imposition of tax on infrastructure.

The present Bill seeks to consolidate and provide to levy and collection of tax on infrastructure on buildings based on the land use mentioned in the Outline Development Plan/Zoning Plan on which the construction carried out such as residential, commercial and industrial or settlement areas in the Regional Plan. This would simplify the procedure as well as for recovery of tax due as well as refund of excess of tax paid on account of wrong interpretation or typographical error in the assessment of tax by the competent authority.

The proposed legislation also provides for an appeal against the wrong assessment made by the competent authority before the prescribed authority, so that any person aggrieved by any order of assessment of tax made by the competent authority, could prefer an appeal before the authority as to be prescribed thereof.

This Bill seeks to achieve the above object.

**Financial Memorandum**

In the State of Goa tax on infrastructure is already being collected since 1997. There is no major change in the present legislation and the Act which was enacted in 1997 and

amended subsequently in the year 1998, 2007 and 2008, except that the levy is made relatable to the classification of land instead of restricting to multi dwelling building, commercial or non-residential building and industrial building. However the commercial rate will now be applicable in buildings having part commercial and part residential uses to only the part of the building used for commercial use unlike the earlier provision of reckoning the full building floor area for commercial use rate. The reduction in revenue on this count will be balanced on account of levy being made relatable to the classification of land. This is expected to yield higher revenue for the Government than what is presently being collected. The quantum that may be collected under this Act cannot, at this stage, be quantified as it depends on various factors like construction activities which may come up in future.

#### Memorandum Regarding Delegated Legislation

Clause 1 (3) of the Bill empowers the Government to issue notification for bringing into force the Act.

Clause 2 (c) of the Bill empowers the Government to issue notification for specifying Competent Authority.

Clause 3 (2) of the Bill empowers the Government to issue notification for amending any entry in the Schedule.

Clause 10 of the Bill empowers the Government to make an order for removing difficulty encountered while implementing provisions of the act.

These delegations are of normal character.

Porvorim-Goa. (Shri DIGAMBAR KAMAT)  
Dated: Hon. Chief Minister

Assembly Hall, (J. N. BRAGANZA)  
Porvorim-Goa. Secretary to the Legislative  
Dated: Assembly of Goa

#### Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. S. Sidhu, Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction of the Goa Tax on Infrastructure Bill, 2009.

LA/LEGN/2009/1402

The following bill which was introduced in the Legislative Assembly of the State of Goa on 5th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

#### The Goa Tax on Luxuries (Eleventh Amendment) Bill, 2009

(Bill No. 27 of 2009)

A

BILL

*further to amend the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988).*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Tax on Luxuries (Eleventh Amendment) Act, 2009.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988) (hereinafter referred to as the “principal Act”),—

(i) the existing clause (aa) shall be re-numbered as clause (ac) and before clause

(ac) as so re-numbered, the following clause shall be inserted, namely:—

“(aa) ‘accommodation with luxuries provided for other purposes’ means a building or part of a building or a part of any hotel, community hall, agrashala, marriage & cultural halls, lawns and open spaces, or any such enclosures or mandap let on hire by proprietor, for holding social or cultural functions like, marriages, get togethers, parties, receptions, cultural programmes, etc. with services including like providing furniture, entertainment, sound system, decorations, illumination, pendal, etc., but excluding services like supplying food and beverages, for monetary consideration;”,

“(ab) ‘Additional Commissioner’ means a person appointed as Additional Commissioner of Luxury Tax under sub-section (2) of section 3 of this Act”;

(ii) in clause (b), existing sub-clauses (a) and (b) shall be re-numbered as sub-clauses (i) and (ii) and after sub-clauses (i) and (ii) so re-numbered, the following sub-clause shall be inserted, namely:—

“(iii) The activity of providing accommodation with luxuries for other purposes, such as, for holding marriage ceremonies, wedding receptions, get togethers, parties, cultural or social functions, etc., for monetary consideration;”;

(iii) for clause (cc), the following clause shall be substituted, namely:—

“(cc) ‘Commissioner’ means a person appointed as Commissioner of Luxury Tax under sub-section (1) of section 3 of this Act;”;

(iv) for clause (g), the following clause shall be substituted, namely:—

“(g) ‘person’ includes any company or association or body of individuals whether incorporated or not, and also a Hindu undivided family, a firm, a local authority, a

club, a corporation, any social or religious institution, a trust, or society, a State Government or the Central Government or artificial juridical person not falling within any of the preceding descriptions;”;

(v) for clause (h), the following clause shall be substituted, namely:—

“(h) ‘place of business’ includes an office, or any other place which a hotelier or a proprietor uses for the purpose of business or where he keeps his books of accounts in any media;”;

(vi) for clause (ii), the following clause shall be substituted, namely:—

“(ii) ‘proprietor’, in relation to accommodation provided for commercial purposes or accommodation with luxuries provided for other purposes, includes person who for the time being is in-charge of the management of building or part of building or tent or enclosure or an open space provided to conduct the business, as the case may be;”;

(vii) for clause (j), the following clause shall be substituted, namely:—

“(j) ‘receipt’ means the amount of monetary consideration received or receivable by a hotelier or a proprietor or by his agent for the luxury provided in a hotel or for the accommodation provided for commercial purposes or for accommodation with luxuries provided for other purposes;”;

(viii) for clause (k), the following clause shall be substituted, namely:—

“(k) ‘registered’ means registered under section 9 of this Act;”;

(ix) for clause (p), the following clause shall be substituted, namely:—

“(p) ‘turnover of receipts’ means the aggregate of the amount of monetary

consideration received or receivable by a hotelier or by a proprietor or by his agent in respect of luxuries provided in a hotel or for accommodation provided for commercial purpose or for accommodation with luxuries provided for other purposes, during a year;”;

(x) for clause (q), the following clause shall be substituted, namely:—

“(q) ‘year’ means a financial year;”.

3. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) To assist the Commissioner in the execution of his functions under this Act, the State Government shall appoint Additional Commissioner of Luxury Tax and such number of —

(i) Assistant Commissioners of Luxury Tax; and

(ii) Luxury Tax Officers, as the State Government thinks necessary.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The Commissioner may appoint such number of,—

(i) Assistant Luxury Tax Officers;

(ii) Luxury Tax Inspectors;

(iii) Other officers and ministerial staff, as found necessary, to assist him in the execution of his functions under this Act”;

(iii) sub-section (3) shall be omitted;

(iv) in sub-sections (4) and (5), for the expression “under sub-section (2)”, the expression “under sub-sections (2) and (2A)” shall be substituted.

4. *Amendment of section 5B.*— For section 5B of the principal Act, the following section shall be substituted, namely:—

“5B. *Levy of Tax on Accommodation provided for Commercial purposes and for providing Accommodation with Luxuries for other purposes.*—

(1) Subject to the provisions of this Act, there shall be levied and collected a tax on the turnover of receipts of a proprietor, for accommodation provided for commercial purposes or for accommodation with luxuries provided for other purposes, at the rate specified in Schedule III hereto.

(2) The Government may, by notification in the Official Gazette, amend any entry in Schedule III and the provisions of sub-section (7) of section 5 of this Act shall mutatis mutandis apply for amending said Schedule.”

5. *Amendment of section 6.*— In section 6 of the principal Act,—

(i) in sub-section (1) and in any other section of the principal Act, for the word “hotelier”, the words “hotelier or proprietor, as the case may be” shall be substituted;

(ii) in sub-section (2), for the word “hotel”, the expression “hotel or accommodation provided for commercial purposes or of accommodation with luxuries provided for other purposes” shall be substituted.

6. *Amendment of section 7.*— In section 7 of the principal Act,—

(i) for the word “hotel”, the expression “hotel or of accommodation provided for commercial purposes or of accommodation with luxuries provided for other purposes” shall be substituted;

(ii) in the proviso, for the words “any penalty”, the word “penalty” shall be substituted.



7. *Amendment of section 9.*— In section 9 of the principal Act, in the proviso, the words “or the stockist” shall be omitted.

8. *Amendment of Section 9A.*—

(i) The existing provision of section 9A, shall be re-numbered as sub-section (1) thereof and in sub-section (1) as so re-numbered, for the word “charges” the word “fee” shall be substituted;

(ii) After sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The Government may, by notification in the Official Gazette, amend any entry in Schedule II and the provisions of sub-section (7) of the section 5 of this Act shall, mutatis mutandis, apply for amending said Schedule.

9. *Amendment of section 13.*— In section 13 of the principal Act,—

(i) for the existing title, the following title shall be substituted, namely:— “Payment of Tax and filing of returns”;

(ii) in sub-section (6), in the proviso, for the expression “sub-section (2)”, the expression “sub-section (2) or (2A)” shall be substituted.

10. *Amendment of section 17.*— In section 17 of the principal Act in sub-section (1),— the following clause shall be inserted, namely:—

(i) in clause (c), the word “or” shall be added at the end;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(d) failed to apply for renewal of registration as required by sub-section (1) of section 9A as so re-numbered, or has carried on business without renewing his registration in contravention of sub-section (1) of section 9 of this Act;”.

11. *Amendment of section 26.*— In section 26 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every hotelier or proprietor liable to pay tax under this Act, and every hotelier or proprietor who is required so to do by the Commissioner by notice served on him in the prescribed manner, shall keep a true account of the luxury provided by him in a hotel or for accommodation provided for commercial purposes or for accommodation with luxuries provided for other purposes”.

12. *Amendment of Schedule II.*— For Schedule II appended to the principal Act, the following Schedule shall be substituted, namely:—

“SCHEDULE II

[See sections 9(2) and 9A]

Sr. No.	Category of business	Amount of registration fees/ /renewal fees
1	2	3

**Hotelier**

(1) For hotels having upto 25 rooms including rent back accommodation, tourist home and any other accommodation required to be covered under the Goa Registration of Tourist Trade Act, 1982 (Act 10 of 1982). Rs. 1,000/-

(2) For hotels having rooms in excess of 25 but upto 50 including rent back accommodation, tourist home and any other accommodation required to be covered under the Goa Registration of Tourist Trade Act, 1982 (Act 10 of 1982). Rs. 2,500/-

(3) For hotels having rooms in excess of 50 but upto 100 including rent back accommodation, tourist home and any other accommodation required to be covered under the Goa Registration of Tourist Trade Act, 1982 (Act 10 of 1982). Rs. 5,000/-

(4) For hotels having rooms in excess of 100 but upto 200 including rent back Rs. 10,000/-

1	2	3
accommodation, tourist home and any other accommodation required to be covered under the Goa Registration of Tourist Trade Act, 1982 (Act 10 of 1982).		

(5) For hotels having rooms in excess of 200 including rent back accommodation, tourist home and any other accommodation required to be covered under the Goa Registration of Tourist Trade Act, 1982 (Act 10 of 1982).

#### Proprietor

(1) Accommodation provided for commercial purposes. Rs. 2,000/-

(2) Accommodation with luxuries provided for other purposes. Rs. 2,000/-

13. After Schedule II appended to the principal Act, the following Schedule III shall be inserted, namely:—

#### "SCHEDULE III (See section 5B)

Sr. No.	Turnover of receipts	Rate of tax
(1) Where proprietor provides accommodation for commercial purposes.		10% of the receipt
(2) Where proprietor provides accommodation with luxuries for other purpose:-		
(i) Not exceeding Rs. 8000/- per day per event.		Nil
(ii) Exceeding Rs. 8000/- per day per event		10% of the receipt

#### Statement of Objects and Reasons

The Bill seeks to amend section 2 of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988) (hereinafter referred to as the "said Act") so as to define the expression "accommodation provided for other luxuries" and to provide levy of luxury tax on it.

The Bill seeks to insert a new clause "(ab) Additional Commissioner" on similar lines with other Acts.

The Bill seeks to amend existing clause (b) of section 2 of the said Act to re-number the existing sub-clauses (a) and (b) within the said clause as (i) and (ii) to avoid repetition of references.

The Bill seeks to amend clause (cc) of section 2 of the said Act to exclude Additional Commissioner from the definition of "Commissioner" under the said Act, since Additional Commissioner is separately defined under newly inserted clause (ab) of the said Act.

The Bill seeks to amend clause (g), (h), (ii) and (j) of section 2 of the said Act to accommodate the business conducted by the proprietors towards providing accommodation for the luxuries.

The Bill seeks to amend clause (k) of section 2 of the said Act as the definition of business is widened to accommodate levy of tax on accommodation provided for commercial purposes and other luxuries.

The Bill seeks to amend clause (p) of section 2 of the said Act to include in the definition of the turnover of the receipts accommodation provided for other luxuries also.

The Bill seeks to amend clause (q) of section 2 of the said Act to bring it at par with Income Tax law as there is no other financial year observed under the said Act.

The Bill seeks to substitute sub-section (2) of section 3 of the said Act so as to empower the Government to appoint Additional Commissioner of Luxury Tax and Luxury Tax Officers for implementation of the said Act. New sub-section (2A) is proposed to be inserted in section 3, so as to enable the Commissioner, to appoint other Luxury Tax Officer and staff. Sub-section (3) of section 3 of the said Act, is proposed to be omitted as separate power have been conferred upon the Commissioner in sub-section (2A) of section 3. Sub-sections (4) and (5) of sections 3 are also proposed to be amended so as to delegate

powers to the officials appointed under sub-section (2A) for the purposes of the said Act and to declare them as public servants.

The Bill seeks to amend existing section 5B to levy tax on accommodation provided for other luxuries and to specify rate of tax to accommodation provided for commercial purposes under Schedule III.

The Bill seeks to amend section 6 of the said Act to substitute for the word “hotelier”, wherever it occurs, the words “hotelier or proprietor”.

The Bill seeks to amend section 7 of the said Act, so as to define the liability of the firms providing accommodation for commercial purposes and firms providing accommodation for other luxuries.

The Bill seeks amendment to section 13, 17 and 26 which are of consequential nature since luxury tax is levied on accommodation provided on other luxuries.

The Bill seeks to amend Schedule II to specify fees for certificate of registration/ renewal of certificate of registration and rate of tax to categorise the business.

The Bill also seeks to insert a new Schedule III to provide for levy of taxes on turnover of receipts of the proprietor for accommodation provided for commercial purposes and for accommodation provided for other luxuries.

The Bills seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

Clause 1(2) of the Bill empowers the Government to appoint a date for bringing into force the Act, by Notification in the Official Gazette.

Clause 4 and 8 of the Bill empowers the Government to amend Schedule II and III appended to the Act, by notification in the Official Gazette.

These delegations are of normal character.

Assembly Hall, Porvorim, Goa.  
4th August, 2009.

SHRI DIGAMBAR V. KAMAT  
Hon. Finance Minister/CM

Assembly Hall, Porvorim, Goa.  
4th August, 2009.

J. N. BRAGANZA  
Secretary to Legislative Assembly of Goa

#### Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Dr. Shri S. S. Sidhu, the Governor of Goa hereby recommends to the Legislative Assembly of Goa, the introduction and consideration of the Goa Tax on Luxuries (Eleventh Amendment) Bill, 2009.

Raj Bhavan.  
Date: 3-8-2009.

DR. S. S. SIDHU  
His Excellency, Governor of Goa.

#### ANNEXURE

#### **Extract of the Goa Tax on Luxuries Act, 1988 (Act No. 17 of 1988)**

#### 2. DEFINITIONS.

In this Act, unless the context otherwise requires,—

- (a) ‘accommodation provided for commercial purpose’ means a building or part of a building where accommodation is provided for holding trade fairs, exhibitions, demonstrations, sales promotions, conferences, etc., and includes open space with or without tents or any enclosure erected for giving on hire space for holding the activities here before mentioned;

(aa) 'appointed day' means the day on which this Act comes into force;

(b) 'business' includes,—

(a) The activity of providing residential accommodation and any other services in connection with, or incidental to or ancillary to such activity of providing residential accommodation by a hotelier for monetary consideration;

(b) The activity of providing accommodation for commercial purpose, such as, for holding trade fairs, exhibitions, demonstrations, sales promotions, conferences, etc., for monetary consideration;

(c) 'club' includes both, an incorporated as well as unincorporated association of persons, by whatever name called;

(cc) 'Commissioner' means the person appointed to be the Commissioner of Luxury Tax under section 3 for the purposes of this Act and includes Additional Commissioner of Luxury Tax;

(d) 'hotel' includes a residential accommodation, a lodging house, an inn, a public house or a building or part of building, a club, a boat, vessel or any place where a residential accommodation is provided by way of business;

*Explanation:* A residential accommodation provided under Timeshare Agreement or under Package Deal Agreement or under any such system wherein the facility of availing residential accommodation during a given period in a year is allowed upon a lumpsum payment shall be deemed to be a 'hotel' for the purposes of this Act.

(e) 'hotelier' means the owner of the hotel and includes the person who for the time being is in charge of the management of the hotel;

(ee) 'luxuries' means services specified in the Schedule, ministering the enjoyment, comfort or pleasure extraordinary to necessities of life;

(f) 'luxury provided in a hotel' means accommodation and other services provided in a hotel, including air conditioning, telephone, radio, music, entertainment, extra bed and the like and

all services other than casinos, water sports, boat/river cruises and supply of food and drinks;

(g) 'person' includes any company or association or body of individuals whether incorporated or not, and also a Hindu undivided family, a firm, a local authority, a corporation, a State Government and the Central Government;

(h) 'place of business' includes an office, or any other place which a hotelier uses for the purpose of his business or where he keeps his books of accounts;

(i) 'prescribed' means prescribed by rules made under this Act;

(ii) 'proprietor' in relation to accommodation provided for commercial purpose includes the person who for time being is in-charge of the management of the building or part of the building or tent or enclosure, as the case may be;

(j) 'receipt' means the amount of monetary consideration received or receivable by a hotelier or by his agent for any luxury provided in a hotel;

(k) 'registered hotelier' means a hotelier registered under section 9 of this Act;

(l) 'rules' means rules made under this Act;

(ll) 'Schedule' means the Schedule appended to this Act;

(m) 'State' means the State of Goa;

(mm) .....

(mmm) .....

(n) 'tax' means the tax levied on luxuries provided in a hotel or for accommodation provided for commercial purpose and other luxuries provided under this Act;

(o) 'Tribunal' means a Tribunal constituted under section 4;

(p) 'turnover of receipts' means, the aggregate of the amounts of monetary consideration received or receivable by a hotelier or by his agent in respect of luxuries provided in a hotel during a given period and includes the aggregate of

amount of monetary consideration received or receivable by the proprietor for accommodation provided for commercial purpose;

(pp) .....

(ppp) .....

(q) 'year' means,—

(i) the financial year; or

(ii) in relation to any particular registered hotelier for the purposes of this Act, means the year by reference to which the accounts of the "hotelier are ordinarily maintained in his books of accounts.

### 3. TAXING AUTHORITIES

(1) For the purpose of implementing the provisions of this Act, the State Government shall appoint an officer to be called the Commissioner of Luxury Tax for the whole of the State of Goa.

(2) To assist the Commissioner in the execution of his functions under this Act, the State Government shall appoint Assistant Commissioner of Luxury Tax and such number of—

(a) Luxury Tax Officers,

(b) Assistant Luxury Tax Officers,

(c) Luxury Tax Inspectors and

(d) Other Officers and persons, and give them such designation as the State Government thinks necessary.

(3) The State Government may, subject to such restrictions and conditions as it may impose, by notification in the Official Gazette, delegate to the Commissioner the powers (not being powers relating to the appointments of Assistant Commissioner of Luxury Tax and Luxury Tax Officers) conferred on the State Government by sub-section (2).

(4) The Commissioner and all Officers and persons appointed under sub-section (2) shall exercise such powers as may be

conferred and perform such duties as may be required, by or under this Act.

(5) The Commissioner and all Officers and persons appointed under sub-section (2) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

(6) The superintendence and control for the proper execution of the provisions of this Act and the rules made thereunder relating to the levy and collection of the tax shall vest in the Commissioner.

### [5B. LEVY OF TAX ON ACCOMMODATION PROVIDED FOR COMMERCIAL PURPOSES

Subject to the provisions of this Act there shall be levied and collected a tax at the rate of 10 percent on the turnover of receipts of the proprietor, for accommodation provided for commercial purposes.

### 6. LIABILITY OF HOTELIERS TO TAX

(1) Subject to the provisions of this Act and rules made thereunder, there shall be paid by every hotelier who is liable to pay tax under this Act, the tax or taxes leviable in accordance with the provisions of this Act.

(2) If a person other than the owner (including part-owner) is for the time being in charge of the hotel, then such person and the owner (including part-owner) shall jointly and severally be liable to pay the tax.

### 7. LIABILITY OF FIRMS AS HOTELIERS

Where a hotel is owned, managed or run by a firm, then the firm and each of the partners of the firm shall be jointly and severally liable for payment of tax:

Provided that where any partner retires from the firm, he shall be liable to pay the tax, penalty or interest payable under this Act, if any, remaining unpaid at the time of his retirement, and any tax due upto the date of his retirement, even if assessment of tax including any penalty (if any) is made at a later date.

### 9. REGISTRATION OF HOTELIERS

(1) No hotelier liable to pay the tax under section 5 or under section 5B or under sub-



section (6) of section 8 shall provide accommodation or other luxuries by way of business, unless he possesses a valid certificate of registration as provided by this Act:

Provided that, it shall be lawful for the hotelier or the proprietor or the stockist to provide or continue to provide accommodation or other luxuries by way of business, if he has applied for registration within the time provided under sub-section (2)].

- (2) Every hotelier required to possess a certificate of registration shall apply in the prescribed form on payment of fees specified in Schedule II appended hereto, to the Commissioner within 30 days from the date on which he becomes liable to pay the tax.
- (3) If the Commissioner, after such inquiry as he deems fit, is satisfied that an application for registration is in order, he shall register the applicant and issue to him a certificate of registration in the prescribed form.
- (4) The Commissioner may after considering any information furnished or otherwise called for or received under any provisions of this Act, amend from time to time the certificate of registration.
- (5) Where a registered hotelier discontinues, transfers or otherwise disposes of his activity of providing accommodation by way of business or where he ceases to be liable to pay the tax and he applies in the prescribed form to the Commissioner, then the Commissioner shall, after making such inquiry as may be necessary, cancel the certificate of registration with effect from such date as he may fix in accordance with the rules.
- (6) Where the Commissioner is satisfied that any registered hotelier has discontinued, transferred or otherwise disposed of the activity of providing accommodation by way of business and has failed to apply under sub-section (5) for cancellation of certificate of registration, the Commissioner may, after giving the hotelier a reasonable opportunity of being heard, cancel the certificate of registration with effect from such date as he may fix to be the date from which the said

activity has been discontinued, transferred or otherwise disposed of:

Provided that, the cancellation of certificate of registration on an application of the hotelier or otherwise shall not effect the liability of the hotelier to pay the tax (including any penalty) due for any period upto the date of cancellation whether such tax (including any penalty), is assessed before or after the date of cancellation.

#### 9A. RENEWAL OF REGISTRATION CERTIFICATE

Every hotelier liable for registration under this Act, shall have to get his registration certificate renewed every year in the month of September/ /October on payment of charges specified in Schedule II appended hereto.

#### 13. PAYMENT OF TAX AND RETURNS

- (1) Tax payable under this Act shall be paid in the manner hereinafter provided and at such intervals as may be prescribed.
- (2) Such hoteliers as may be required so to do by the Commissioner by notice served in the prescribed manner and every registered hotelier shall furnish returns of the total turnover of the period to which such returns relate, in such manner, by such date and to such authority as may be prescribed.
- (3) Before any registered hotelier furnishes the returns required by sub-section (2), he shall pay into a Government Treasury or the State Bank of India or in such other manner as may be prescribed the full amount of tax due from him under this Act according to such returns, and shall furnish alongwith the returns a receipt from such Treasury or Bank showing the payment of such amount.
- (4) If any hotelier having furnished returns under sub-section (2), discovers any omission or incorrect statement, he may furnish a revised return before the expiry of three months next following the last date prescribed for furnishing the original return and if the revised return shown a greater amount of tax to be due than was shown in the original return, it shall be accompanied by a receipt showing the payment in the manner provided in sub-section (3) of the extra amount:

Provided that no such revised return shall be considered as such and it shall not be taken into consideration, if the assessing authority is satisfied that the return originally furnished was with the intention to delay the payment of tax due in time, or with intent to defraud the State Government of its revenue.

(4A) .....

(4B) .....

(4A) Any tax assessed or any other amount due under this Act from a hotelier or any other person may, without prejudice to any other mode of collection, be recovered,—

(a) as if it were an arrears of land revenue; or

(b) by attachment and sale or by sale without attachment of any property of such hotelier or any other person by the Officer appointed under sub-section (2) of section 3, in accordance with such rules as may be prescribed.

(5) With a view to encourage prompt payment of tax the State Government may prescribe rates of remissions or rebate in respect thereof in accordance with such principles as may be prescribed.

(6) (a) The hotelier shall pay the amount of tax assessed or reassessed for any period under section 14 or section 16 of this Act less any sum already paid by him in respect of such period; and

(b) The amount of penalty, if any, levied under this Act shall be paid by the hotelier or by the person liable therefor into the appropriate Government Treasury by such date as may be specified in a notice or order issued under this Act being a date not earlier than sixty days from the date of service of notice or order:

Provided further that, the Commissioner or any person appointed to assist him under sub-section (2) of section 3, may, in respect of any particular hotelier or person, and for reasons to be recorded in writing and on payment of

interest at such rate as may be specified in the order, extend the date of such payment or allow him to pay tax due or penalty or interest levied, if any, by instalments.

(7) (a) When a hotelier is in default in making payment of tax assessed or re-assessed or of penalty imposed or interest levied, there shall be paid by such hotelier for the period commencing from the date of expiry of the date specified in the notice for payment and ending on the date of payment of the amount, simple interest at the rate of 24% per annum of the amount not so paid.

(b) Withstanding anything contained in clause (a), the Commissioner may, subject to such conditions as may be prescribed, remit the whole or any part of the interest payable in respect of any period by any person or class of persons.

(c) Any amount of tax or penalty or interest which remains unpaid after the date prescribed for payment or the date specified in the notice for payment, or in the order of imposition of penalty, or after the extended date of payment and any instalments not duly paid, shall be recoverable as arrears of land revenue.

(8) The State Government may, by general or special order published in the Official Gazette, authorize any Officer not below the rank of a Luxury Tax Officer, to exercise, for the purpose of effecting recovery of the amount of tax or penalty due from any 'hotelier or person under this Act the powers of a Collector under the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969) to recover the dues as arrears of land revenue.

## 17. IMPOSITION OF PENALTY

(1) If, while assessing or re-assessing the amount of tax due from a hotelier under any provisions of this Act or while passing any order in any appeal, revision or rectification proceedings, it appears to the Commissioner that such hotelier has—

(a) failed to apply for registration as required by section 9 or has carried on

business, without being registered, in contravention of section 9; or

(b) failed, without reasonable cause, to comply with any notice in respect of the proceedings under sections 14, 16, or 27 or 33; or

(c) failed to disclose any transaction of receipt or has failed to furnish return by the prescribed date or has failed to show in the return the appropriate liability to pay tax or has failed to disclose fully and truly all material facts necessary for the proper and correct quantification of the tax liability,

then the Commissioner may after giving the hotelier an opportunity of being heard, by order in writing impose upon the hotelier by way of penalty, in addition to any tax assessed or re-assessed or found due in the appeal or revision or rectification proceedings, as the case may be, a sum not exceeding one-and-a-half times the amount of tax so assessed or re-assessed or found due in the appeal or revision or rectification proceedings.

## 26. ACCOUNTS

(1) Every hotelier liable to pay tax under this Act, and every hotelier who is required so to do by the Commissioner by notice served on him in the prescribed manner, shall keep a true account of the luxury provided by him in the hotel.

(2) If the Commissioner considers that the accounts kept are not sufficiently clear or intelligible to enable him to determine whether or not a hotelier is liable to tax during any period, or are so kept as not to enable a proper scrutiny of the returns or the statement furnished, the Commissioner may require such hotelier by notice in writing to keep such accounts in such form or manner as in his opinion is necessary for the purpose of proper assessment and as he may, subject to anything that may be prescribed in that behalf, in writing direct.

(3) The Commissioner may, subject to such conditions or restrictions as may be prescribed in this behalf, by notice in writing direct any hotelier or by notification in the

Official Gazette, direct any class of hoteliers to maintain accounts and records showing such particulars regarding their business in such form, and in such manner, as may be specified by him.

(4) Every registered hotelier shall ordinarily keep all his accounts, registers and documents relating to his business at the place or places of business specified in his certificate of registration or, with the previous approval of the Commissioner at such other place as may be approved by the Commissioner.

Assembly Hall,  
Porvorim, Goa.  
4th August, 2009.

J. N. BRAGANZA  
Secretary to Legislative  
Assembly of Goa

LA/LEGN/2009/1403

The following bill which was introduced in the Legislative Assembly of the State of Goa on 5th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Town & Country Planning (Amendment) Bill, 2009

(Bill No. 24 of 2009)

A

BILL

*further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975).*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth year of the Republic of India, as follows.—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2009.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 49.*— In section 49 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, in respect of plots which are not as per Survey Plan issued by Survey Department or plots which have no development permissions for such sub-division from Planning and Development Authority within a planning area, no registering officer appointed under the Act, shall register any document, unless the owner of such plot produces a certificate of sanction or a certificate of “no objection” from the Planning and Development Authority exercising jurisdiction in respect of the Planning area:

Provided that no such Certificate of sanction or “no objection” shall be required to be produced if the sub-division of land or the making or layout of any property results from the right of inheritance within a family:

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institution notified by the Government by a notification in the Official Gazette, for the purpose of this Act.”

### Statement of Objects and Reasons

Section 49 of the Goa, Daman and Diu Town and Country Planning Act, 1974 provides for

sanction for sub-division of plot or lay out of private street and restrictions of registration on purchase, sale or transfer of immovable property.

By virtue of sub-section (6) of section 49 of the Act, 1974 notwithstanding anything contained in any law, for the time being in force, where any document is required to be registered under sub-section (1) of section 29 of the Registration Act, 1908, in respect of right, title, interest of any person or in any property of land within the planning area, the owner thereof is required to produce a certificate of sanction or a certificate of “no objection” from the Planning and Development Authority, exercising the jurisdiction over the area.

The aforesaid provision is cumbersome and create hurdles for effecting the registration of various types of documents which are required to be registered in terms of section 29 (1) of the Act, 1908.

Hence, it is proposed that the aforesaid provision should be simplified to the effect of restricting to the extent of requirement of certificate of sanction or “no objection” from the Planning and Development Authority, only in respect of plots which are not as per the survey plans issued by the Survey Department or plots which have no development permission for such sub-division from the Planning and Development Authority.

The above provision will ensure certain control over un-authorized sub-division of land.

This Bill seeks to achieve the above objects.

### Financial Memorandum

The Planning and Development Authorities are presently collecting a nominal processing fee for the purpose of issuing NOC under

Section 49 (6) of the Town and Country Planning Act, 1974. With this amendment, the number of application will be considerably reduced and thereby the income generated from processing fees will be reduced.

However, the Planning and Development Authority will be saving man hours spent on processing these application and thereby will be in a position to focus their work on Planning and Development works which include remuneration Scheme too. As such no financial implication will be involved.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim – Goa. (DIGAMBAR KAMAT)  
Dated: 03-08-09. Hon. Chief Minister

Assembly Hall, (J. N. BRAGANZA)  
Porvorim – Goa. Secretary to the Legislative  
Dated: 03-08-09. Assembly of Goa

#### ANNEXURE

#### Extracts of section 49 (6) of Goa Town and Country Planning Act, 1974

*49. Sanction for sub-division of plot or layout of private street and restriction on registration of purchase, sale or transfer of immovable property.—*

(1) Any person intending to sub-divide his plot or make or layout a private street, on or after the date on which a public notice of the preparation of a Development Plan is published under sub-section (1) of section 35, shall submit the layout plan together with the prescribed particulars to the Planning and Development Authority for sanction.

(2) The Planning and Development may within the prescribed period, sanction such plan either with or without modifications and conditions, as it considers expedient or may refuse to give sanction if it is of the opinion that such sub-division, making or layout is not in conformity with the proposals contained in a Development Plan.

(3) When the sanction is granted subject to conditions or refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in the manner prescribed.

(4) If any person does any work in contravention of the provisions of sub-section (1) or in contravention of the modifications and conditions of the sanction granted under sub-section (2) or in spite of the refusal of sanction under sub-section (2), the Planning and Development Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the prescribed manner, remove or pull down any work or restore the land to its original conditions.

(5) Any expenses incurred by the Planning and Development Authority under sub-section (4) shall be a sum due to the Planning and Development Authority under this Act from the person in default.

(6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, to or in any property or land within a planning area, no registering officer appointed under that Act, shall register any such document, unless the owner of such property or land produces a certificate of sanction or a certificate of "no objection" from the Planning and Development Authority exercising jurisdiction in respect of the planning area:

Provided that no such certificate of sanction or "no objection" shall be required to be produced if the sub-division of land or the making or layout of any property results from the rights of inheritance within a family:

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institutions notified by the Government by a notification in the Official Gazette, for the purpose of this Act".

Assembly Hall,  
Porvorim – Goa.

(J. N. BRAGANZA)  
Secretary to the Legislative  
Assembly of Goa.



LA/LEGN/2009/1422

The following bill which was introduced in the Legislative Assembly of the State of Goa on 6th August, 2009 is hereby published for general information in pursuance of Rule - 138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

-----  
The Goa Appropriation (No. 3)  
Bill, 2009

(Bill No. 11 of 2009)

A

BILL

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2009–10.*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 3) Act, 2009.

2. *Issue of Rs. 5939,32,00,000 out of the Consolidated Fund of the State of Goa for the financial year 2009-10.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule of this Act amounting in the aggregate to the sums of five thousand nine hundred thirty-nine crores thirty-two lakhs rupees towards defraying the several charges which will arise for payment during the financial year 2009–2010 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

THE SCHEDULE  
(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	1076.00	47.00	1123.00
A1	Raj Bhavan — <i>Charged</i>	—	382.24	382.24
2	General Administration and Co-ordination	2847.99	—	2847.99
3	District and Session Court, North Goa	679.85	—	679.85
4	District and Session Court, South Goa	662.65	—	662.65
5	Prosecution	214.90	—	214.90
6	Election Office	825.10	—	825.10
7	Settlement and Land Records	592.70	—	592.70
8	Treasury and Accounts Administration, North Goa	71617.41	—	71617.41
9	Treasury and Accounts Administration, South Goa	219.35	—	219.35
A2	Debt Services — <i>Charged</i>	—	88181.23	88181.23
10	Notary Services	402.54	—	402.54
11	Excise	605.85	—	605.85
12	Commercial Taxes	1585.10	—	1585.10
13	Transport	3088.85	—	3088.85
A3	Goa Public Service Commi- ssion — <i>Charged</i>	—	146.00	146.00
14	Goa Sadan	229.00	—	229.00
15	Collectorate, North Goa	1071.75	—	1071.75
16	Collectorate, South Goa	2451.75	—	2451.75
17	Police	15737.10	—	15737.10
18	Jails	2391.35	—	2391.35
19	Industries, Trade and Commerce	2620.87	—	2620.87
20	Printing and Stationery	796.75	—	796.75
21	Public Works	70234.97	0.10	70235.07
22	Vigilance	78.70	—	78.70
23	Home	233.30	—	233.30
25	Home Guards and Civil Defence	432.42	—	432.42

(Rs. in lakhs)				
(1)	(2)	(3)	(4)	(5)
26	Fire and Emergency Services	1147.50	2.00	1149.50
27	Official Language	163.90	—	163.90
28	Administrative Tribunal	77.20	—	77.20
29	Public Grievances	17.50	—	17.50
30	Small Savings and Lotteries	1385.87	—	1385.87
31	Panchayats	6859.60	—	6859.60
32	Finance	16855.02	—	16855.02
33	Revenue	636.70	—	636.70
34	School Education	47522.62	—	47522.62
35	Higher Education	9307.94	—	9307.94
36	Technical Education	755.65	—	755.65
37	Government Polytechnic, Panaji	814.06	—	814.06
38	Government Polytechnic, Bicholim	263.45	—	263.45
39	Government Polytechnic, Curchorem	156.45	—	156.45
40	Goa College of Engineering	2322.20	—	2322.20
41	Goa Architecture College	282.25	—	282.25
42	Sports and Youth Affairs	6178.44	—	6178.44
43	Art and Culture	5853.30	—	5853.30
44	Goa College of Art	202.70	—	202.70
45	Archives and Archaeology	1758.40	—	1758.40
46	Museum	128.55	—	128.55
47	Goa Medical College	11770.50	—	11770.50
48	Health Services	11962.76	—	11962.76
49	Institute of Psychiatry and Human Behaviour	982.38	—	982.38
50	Goa College of Pharmacy	370.21	—	370.21
51	Goa Dental College	834.82	—	834.82
52	Labour	1127.70	—	1127.70
53	Foods and Drugs Administration	308.25	—	308.25
54	Town and Country Planning	944.25	—	944.25
55	Municipal Administration	12113.20	—	12113.20
56	Information and Publicity	1259.30	—	1259.30
57	Social Welfare	15194.95	—	15194.95
58	Women and Child Development	2665.65	—	2665.65
59	Factories and Boilers	200.30	—	200.30

(Rs. in lakhs)				
(1)	(2)	(3)	(4)	(5)
60	Employment	98.20	—	98.20
61	Craftsmen Training	2319.90	—	2319.90
62	Law	844.10	—	844.10
63	Rajya Sainik Board	41.95	—	41.95
64	Agriculture	3745.27	—	3745.27
65	Animal Husbandry and Veterinary Services	2778.33	—	2778.33
66	Fisheries	2041.32	—	2041.32
67	Ports Administration	1036.00	—	1036.00
68	Forests	2760.23	—	2760.23
70	Civil Supplies	5661.86	—	5661.86
71	Cooperation	1783.07	—	1783.07
72	Science, Technology and Environment	641.40	—	641.40
73	State Election Commission	88.90	—	88.90
74	Water Resources	24840.92	—	24840.92
75	Planning, Statistics and Evaluation	1446.54	—	1446.54
76	Electricity	100686.34	—	100686.34
77	River Navigation	1960.60	—	1960.60
78	Tourism	4254.30	—	4254.30
79	Goa Gazetteer	22.20	—	22.20
80	Legal Metrology	162.13	—	162.13
82	Information Technology	4643.00	—	4643.00
83	Mines	197.05	—	197.05
TOTAL		505173.43	88758.57	593932.00

## Statement of Objects and Reasons

The Budget for the year 2009-10 was presented to the Legislative Assembly on the 23rd March, 2009. The Demands for Grants have since been discussed and voted by the Assembly. The Appropriation Bill is, therefore introduced in accordance with the provisions of Article 204 of the Constitution to provide for appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 2009-10.

Porvorim.

DIGAMBAR KAMAT

..... August, 2009.

Finance Minister/Chief Minister

## Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Goa Appropriation (No. 3) Bill, 2009.

LA/LEGN/2009/1423

The following bill which was introduced in the Legislative Assembly of the State of Goa on 6th August, 2009 is hereby published for general information in pursuance of Rule-138 of the Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

-----  
The Goa Appropriation (No. 4)  
Bill, 2009

(Bill No. 12 of 2009)

A

BILL

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2009-10.*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 4) Act, 2009.

2. *Issue of Rs. 194,00,50,000 out of the Consolidated Fund of the State of Goa for the financial year 2009-10.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of one hundred ninety four crores and fifty thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2009-2010 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the said Schedule in relation to the said financial year.



THE SCHEDULE  
(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	23.00	15.00	38.00
2	General Administration and Co-ordination	933.00	—	933.00
6	Election Office	87.00	—	87.00
7	Settlement and Land Records	150.00	—	150.00
A2	Debt Services— <i>Charged</i>	—	300.00	300.00
11	Excise	50.00	—	50.00
13	Transport	885.00	—	885.00
19	Industries, Trade and Commerce	124.00	—	124.00
21	Public Works	100.00	111.61	211.61
27	Official Language	30.00	—	30.00
31	Panchayats	100.01	—	100.01
32	Finance	10000.00	—	10000.00
34	School Education	282.01	2.10	284.11
35	Higher Education	25.00	—	25.00
43	Art and Culture	18.00	—	18.00
47	Goa Medical College	500.00	—	500.00
50	Goa College of Pharmacy	15.66	—	15.66
52	Labour	4.50	—	4.50
57	Social Welfare	900.00	—	900.00
58	Women and Child Development	75.00	—	75.00
61	Craftsmen Training	784.00	—	784.00
62	Law	36.21	—	36.21
64	Agriculture	125.04	—	125.04
65	Animal Husbandry and Veterinary Services	0.02	—	0.02
67	Ports Administration	500.00	—	500.00
68	Forests	20.00	—	20.00
70	Civil Supplies	74.34	—	74.34
71	Cooperation	30.00	—	30.00
78	Tourism	1100.00	—	1100.00
82	Information Technology	2000.00	—	2000.00
TOTAL		18971.79	428.71	19400.50

## Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2009-10 (First Batch) was presented to the Legislative Assembly. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for the appropriation of certain further sums out of the Consolidated Fund of the State of Goa to meet the expenditure on certain service granted by the Legislative Assembly for those services.

Porvorim. DIGAMBAR KAMAT  
Finance Minister/Chief Minister  
..... August, 2009.

## Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

## Department of Law &amp; Judiciary

Legal Affairs Division

## Notification

10/1/2009-LA/225

The South Asian University Act, 2008 (Central Act No. 8 of 2009), which has been passed by Parliament and assented to by the President of India on 11-1-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 13-1-2009, is hereby published for general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE SOUTH ASIAN UNIVERSITY  
ACT, 2008

## Arrangement of Sections

## Sections

1. Short title, extent and commencement.
2. Definitions.
3. Provisions of Agreement to have force of law.
4. Incorporation of South Asian University.
5. Jurisdiction.
6. Governing Board.
7. Objectives of University.
8. Powers of University.
9. University open to all persons.
10. Visitor.
11. Officers of University.
12. President and its powers.
13. Other officers.
14. Privileges and immunities of President and academic staff.
15. Authorities of University.
16. Executive Council.
17. Academic Council.
18. Constitution of other authorities.
19. Faculties and Departments.
20. Statutes.
21. Regulations.
22. Bye-laws.
23. Power to give retrospective effect to Statutes and Regulations.
24. Annual report.
25. Audit of accounts.
26. Conditions of service of employees.
27. Procedure of arbitration in disciplinary cases against students.
28. Proceedings of University authorities or bodies not invalidated by vacancies.
29. Protection of action taken in good faith.
30. Reference to SAARC Arbitration Council.
31. Statutes and Regulations and bye-laws to be published in Official Gazette and to be laid before Parliament.
32. Power to remove difficulties.

## THE SCHEDULE

# THE SOUTH ASIAN UNIVERSITY ACT, 2008

AN

ACT

*to give effect to the Agreement for the establishment of South Asian University and for matters connected therewith or incidental thereto.*

Whereas an Agreement for the establishment of the South Asian University was signed on behalf of the respective Governments of the Member States of the South Asian Association for Regional Co-operation (SAARC) on the 4th day of April, 2007;

And Whereas Article 1 of the said Agreement provides that the main campus of the University shall be located in India, therefore, it is expedient to make provisions for giving effect to the said Agreement;

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

## 1. *Short title, extent and commencement.*—

(1) This Act may be called the South Asian University Act, 2008.

(2) It extends to the whole of India and to campuses and centres established outside India in the SAARC region.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

## 2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Academic Council” means the Academic Council of the University;

(b) “academic staff” means such categories of staff as are designated as academic staff by the Statutes;

(c) “Agreement” means the Agreement for the establishment of the South Asian University;

(d) “bye-laws” means the bye-laws of the University;

(e) “Centre” means a unit of the University or of a University Institute providing teaching, consultancy and research facilities and includes a Regional Centre;

(f) “employee” means any person appointed by the University and includes teachers and other staff of the University;

(g) “Executive Council” means the Executive Council of the University;

(h) “Faculty” means a Faculty of the University;

(i) “Governing Board” means a Governing Board of the University constituted under section 6;

(j) “Hall” means a unit of residence, by whatever name called, for students of the University provided, maintained or recognised by it;

(k) “Host Country” means the Republic of India;

(l) “Host Government” means the Government of the Host Country;

(m) “Member States” means the Member States of the SAARC;

(n) “prescribed” means prescribed by Statutes, Regulations or bye-laws;

(o) “President” means the President of the University appointed under section 12;

(p) “Project Office” means the project office set up for the purpose of carrying out necessary tasks for establishing the main campus of the University;

(q) “Recognised institution” means an institution of higher learning maintained or

recognised by, or associated with, the University;

(r) "Regional Centre" means a centre established or maintained by the University at any place in the SAARC region for the purpose of coordinating and supervising the work of campuses or centres in such region and for performing such functions as may be conferred on such centre by the Governing Board;

(s) "Regulations" means the Regulations of the University;

(t) "SAARC" means an organisation known as the South Asian Association for Regional Co-operation established by the Charter of the South Asian Association for Regional Co-operation signed on eighth day of December, 1985;

(u) "SAARC region" means the region comprising the territories of the Member States;

(v) "Schedule" means the Schedule of the Act;

(w) "Statutes" means the Statutes of the University;

(x) "teacher" means professor, reader, lecturer and research staff of the University appointed or recognised by the University for imparting instructions in the University or for giving guidance to students for pursuing any course of study of the University; and

(y) "University" means the South Asian University incorporated under section 4.

3. *Provisions of Agreement to have force of law.*— Notwithstanding anything contrary contained in any other law, the provisions of the Agreement set out in the Schedule shall have the force of law in India.

4. *Incorporation of South Asian University.*— (1) With effect from such date as the Central

Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established, for the purposes of giving effect to provisions of the Agreement, a University to be called as South Asian University.

(2) The University shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The Headquarters of the University shall be at Delhi.

(4) The University may establish or maintain campuses and centres at such other places within India and outside India in the SAARC region as it may deem fit.

5. *Jurisdiction.*— The jurisdiction of the University shall extend to whole of India and to campuses and centres established outside India in the SAARC region:

Provided that where the University establishes and maintains any campus or centre outside India at any place in the SAARC region, then the jurisdiction of the University shall extend to such campus or centre, subject to the provision of the Agreement and laws in force in any of the Member States within which such campus or centre is situated.

6. *Governing Board.*— (1) There shall be a Governing Board of the University consisting of two members from each of the Member States of the SAARC and the President of the University:

Provided that until the first Governing Board is formed, the Inter-Governmental Steering Committee of the SAARC shall function as an interim Governing Board.

(2) The Governing Board shall be headed by the Chairperson who shall be elected from amongst the members of the Governing Board.

(3) The members of the Governing Board shall be selected in such manner and for such term as provided in Article 5 of the Schedule.

(4) The President of the University shall be the *ex officio* member of the Governing Board.

(5) The Governing Board shall be responsible for all the policies and directions of the University and management of its affairs.

(6) The Chairperson of the Board shall exercise such powers as may be prescribed by the Statutes.

7. *Objectives of University.*— The objectives of the University shall be—

(a) to disseminate and advance knowledge, wisdom and understanding by providing instructional and research facilities in such branches of learning as it may deem fit;

(b) to take appropriate measures for promoting innovations in teaching-learning process, inter-disciplinary studies and application of knowledge to social advancement, and human welfare and to the promotion of regional peace and security;

(c) to impart liberal and humane education towards capacity building of the South Asian nations in the domain of science, technology and other areas of higher learning vital for improving their quality of life and to give students the analytical tools needed for the pursuit of profession and inculcate in them the quality of leadership;

(d) to foster in the students sound civic sense and to train them to become useful citizens of democratic societies;

(e) to build a South Asian community of learning where students from countries of South Asia are able to develop their fullest intellectual potential and to create a South Asian community by strengthening regional consciousness; and

(f) to harmonise the academic standards and accreditation norms in teaching, research and curriculum that are acceptable to all Member States.

8. *Powers of University.*— The University shall have the following powers, namely:—

(i) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to establish such special centres and specialised laboratories and such other units for research and instruction as are necessary for the furtherance of its objects;

(iii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;

(iv) to grant, subject to such conditions as the University may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(vi) to organise and to undertake open learning programmes, extramural studies, training and extension services;

(vii) to institute Chairs, principalships, professorships, readerships and lectureships and other teaching and academic positions, required by the University and to appoint persons to such Chairs, Principalships, Professorships, Readerships and lectureships and other teaching and academic positions;

(viii) to appoint visiting professors, Emeritus professors, consultants, scholars and such other persons who may contribute to the advancement of the objects of the University;

(ix) to recognise persons as Professors, Readers or Lecturers or otherwise as teachers of the University;



(x) to create administrative and other posts as the University may deem necessary from time to time and to make appointments thereto;

(xi) to lay down conditions of service of all categories of employees, including their code of conduct;

(xii) to establish and maintain campuses, Centres, Regional Centres as may be determined from time to time;

(xiii) to admit to its privileges institutions situated within its jurisdiction as the University institutions and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(xiv) to co-operate or collaborate or associate with any other University or authority or institution of higher learning or any other public or private body, having in view the promotion of purposes and objects similar to those of the University, in such manner as may be prescribed and for such purposes as may be determined or agreed upon by the University;

(xv) to determine standards of admission, including examination, evaluation or any other method of testing, to the University, and the institutions maintained by or admitted to the privileges of the University;

(xvi) to demand and receive payment of fees and other charges as may be prescribed;

(xvii) to establish Halls and to recognise, guide, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(xviii) to make arrangements for promoting health and general welfare of students and employees of the University;

(xix) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this

regard as may be deemed by the University to be necessary;

(xx) to institute and award Fellowships, Scholarships, Studentships and prizes;

(xxi) to receive benefactions, donations and gifts in accordance with the regulations made by the Governing Board as per norms of the SAARC and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties, for the purposes or objects of the University and to invest funds in such manner as it deems fit;

(xxii) to borrow, with the approval of the Governing Board, on the security of the University property, money for purposes of the University;

(xxiii) to recognise for any purpose, either in whole or in part, any institution or members or students thereof on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;

(xxiv) to enter into any agreement for the incorporation of any other institution in the University and for taking its rights, properties and liabilities and for any other purpose not repugnant to this Act;

(xxv) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions or bodies as it may deem necessary;

(xxvi) to provide for the printing, reproduction and publication of research and other work which may be issued by the University;

(xxvii) to exercise such other powers accorded to it under the Agreement; and

(xxviii) to do all such other acts as may be necessary, incidental or conducive to the promotion of all or any of the objects of the University.

9. *University open to all persons.*— The University shall be open to all persons irrespective of gender, caste, creed, disability, ethnicity or socio-economic background and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof.

10. *Visitor.*— (1) The Foreign Minister of the current Chair of the SAARC shall be the Visitor of the University.

(2) The Visitor shall have such powers as may be prescribed by the Statutes.

11. *Officers of University.*— (1) There shall be a President of the University, and such other officers appointed in such manner as may be prescribed, who shall exercise such powers and functions as may be prescribed.

(2) The President shall be the Chief Executive Officer of the University.

12. *President and its powers.*— (1) The President shall be appointed by the Governing Board in such manner as may be prescribed by the Statutes:

Provided that until the President is appointed, the Chief Executive Officer of the Project Office shall exercise the powers of the President and function as Chief Executive Officer of the University.

(2) The President shall, as the Chief Executive Officer, exercise general supervision and control over the affairs of the University and shall be responsible for implementing the objectives of the University and fulfilling the policy directives of the Governing Board.

(3) The President may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any

authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter:

Provided that such exercise of power shall be made only in emergent situations and in no case in respect of creation and upgradation of posts, and appointments thereto:

Provided further that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Governing Board whose decision thereon shall be final.

(4) The President, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act and the Statutes or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Governing Board whose decision thereon shall be final.

(5) The President or any officer of the University, authorised by him in this behalf, shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(6) The President shall exercise such other powers as may be prescribed by the Statutes.

13. *Other officers.*— The manner of appointment and powers and duties of other officers of the University shall be such as may be prescribed by the Statutes.

14. *Privileges and immunities of President and academic staff.*— The University, the President and the members of the academic staff and, where applicable, their dependents or members of the

family, shall enjoy such privileges and immunities as the Central Government may notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947. 46 of 1947.

15. *Authorities of University.*— The following shall be the authorities of the University—

(a) the Executive Council,

(b) the Academic Council, and

(c) such other authorities as may be declared by the Governing Board in the Statutes to be the authorities of the University.

16. *Executive Council.*— (1) The Executive Council shall be the executive body of the University and shall exercise powers to give effect to the directions or decisions of the President and the Governing Board.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

17. *Academic Council.*— (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Regulations, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

18. *Constitution of other authorities.*— The constitution of the authorities under clause (c) of section 15, the terms of the office of the members of such authorities and their powers and duties shall be such as may be prescribed by the Statutes.

19. *Faculties and Departments.*— (1) The University shall have such faculties as may be prescribed by the Statutes.

(2) Each Faculty shall have such Departments or Schools of Studies as are prescribed by the Statutes, and each Department or Schools of Studies shall have such subjects of study as may be assigned to it by Regulations.

20. *Statutes.*— (1) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) powers of the Visitor;

(b) powers of the Chairperson of the Governing Board;

(c) manner of appointment of the President and its powers;

(d) the constitution, powers and functions of the Executive Council, Academic Council and other authorities and bodies of the University;

(e) categories of academic staff;

(f) appointment of teachers, academic staff and other employees of the University;

(g) establishment of faculties of the University;

(h) the conditions under which institution may be admitted to the privileges of the University and the withdrawal of such privileges;

(i) the conferment of honorary degrees;

(j) delegation of powers vested in the authorities or officers of the University;

(k) setting up of a machinery for redressal of grievances between employees or the students and the University; and

(l) all other matters which by this Act are to be or may be provided for by the Statutes.

(2) The First Statutes shall be those as may be made for the operation of the University by the Inter-Governmental Steering Committee of the SAARC.

(3) The Governing Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (2):

Provided that the Governing Board shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed has been considered by the Governing Board.

21. *Regulations.*— (1) Subject to the provisions of this Act and the Statutes, the Regulations may provide for all or any of the following matters, namely:—

(a) the admission and enrolment of students to the University and institutions maintained by, or admitted to, the privileges of the University;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(f) the institution of, and conditions for award of, fellowships, scholarships, studentships and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the establishment of Centres, University Institutes, Departments, Schools of Studies, Boards of Studies, specialised laboratories and Committees;

(k) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(l) the manner of co-operation and collaboration with other Universities, institutions and other bodies or associations; and

(m) all other matters which by this Act or the Statutes are to be or may be provided for by the Regulations.

(2) The First Regulations shall be made by the Chief Executive Officer of the Project Office with the prior approval of the Inter-Governmental Steering Committee and the Regulations so made may be amended, repealed or added to any time by the Governing Board in the manner prescribed by the Statutes.

22. *Bye-laws.*— The authorities of the University may make bye-laws consistent with this Act, the Statutes and the Regulations for the conduct of their own business and not provided for by this Act, the Statutes or the

Regulations, in the manner as may be prescribed by Statutes.

23. *Power to give retrospective effect to Statutes and Regulations.*— The power to make Statutes or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes or Regulations or any of them but no retrospective effect shall be given to any Statute or Regulation so as to prejudicially affect the interests of any person to whom such Statute or Regulation may be applicable.

24. *Annual report.*— (1) The annual report of the University shall be prepared under the direction of the Governing Board and shall be considered by the University at its annual meeting. The annual report of the University shall also be presented to the session of the Council of Ministers of the SAARC.

(2) The annual report of the University shall be circulated to all the SAARC Member States through the SAARC Secretariat.

25. *Audit of accounts.*— (1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by any person or firm authorised by the Governing Board.

(2) The accounts of the University shall be audited, as per existing norms as laid down by the SAARC.

(3) The accounts, when audited shall be published, and a copy of the accounts together with the audited report shall be submitted to the Secretary-General of the SAARC.

26. *Conditions of service of employees.*— (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee

shall be referred to the Tribunal for Arbitration constituted for that purpose.

(3) The decision of the Tribunal shall be final and no suit shall lie in any court in respect of the matters decided by the Tribunal.

(4) The procedure for regulating the work of the Tribunal under sub-section (2) shall be prescribed by the Statutes.

27. *Procedure of arbitration in disciplinary cases against students.*— Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal for Arbitration and the provisions of sub-sections (2), (3) and (4) of section 26 shall, as far as may be, apply to the reference made under this section.

28. *Proceedings of University authorities or bodies not invalidated by vacancies.*— No act or proceedings of the University or any of its authorities or bodies shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

29. *Protection of action taken in good faith.*— No suit or other legal proceeding shall lie against the University, any of its officers or employees for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act.

30. *Reference to SAARC Arbitration Council.*— All differences arising out of the interpretation or application of the Agreement shall be referred to the SAARC Arbitration Council, unless in any case it is agreed by the parties to have recourse to another mode of settlement.

31. *Statutes and Regulations and bye-laws to be published in the Official Gazette and to be laid before Parliament.*— (1) The Statutes, Regulations and bye-laws made under this Act shall be published in the Official Gazette.

(2) Every Statute, Regulation or bye-law made under this Act shall be laid, as soon as



may be after it is made, before each House of Parliament.

32. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

#### THE SCHEDULE

(See section 3)

Provisions of the Agreement to have the force of Law

#### Article 1

##### Establishment of the South Asian University

1. There is hereby established an institution to be known as the South Asian University (hereinafter referred to as the “University”), which shall be a non-state, non-profit self governing international educational institution with a regional focus for the purposes set forth in this agreement and shall have full academic freedom for the attainment of its objectives.

2. The main campus of the University shall be located in India.

3. The University shall have full legal Personality.

4. The legal capacity of the University shall, *inter alia*, include:

(a) the power to confer degrees, diplomas and certificates;

(b) the capacity to contract;

(c) to sue and be sued in its name;

(d) to acquire, hold and dispose of properties;

(e) to establish campuses and centres in the region; and

(f) to make rules, regulations and bye-laws for the operation of the University.

#### Article 2

##### Objectives and Functions of the South Asian University

The objectives and functions of the University shall, *inter alia*, include:

1. To create a world class institution of learning that will bring together the brightest and the most dedicated students from all countries of South Asia irrespective of gender, caste, creed, disability, ethnicity or socio-economic background to impart to them liberal and humane education and to give them the analytical tools needed for the pursuit of a profession and inculcate in them the qualities of leadership.

2. To build a South Asian community of learning where every student will be able to develop her/his fullest intellectual potential and to create a South Asian community by strengthening regional consciousness.

3. To impart education towards capacity building of the South Asian nations in the domain of science, technology and other areas of higher learning vital for improving their quality of life.

4. To contribute to the promotion of regional peace and security by bringing together the future leaders of South Asia, and enhancing their understanding of each others' perspectives.

5. To foster in the students sound civic sense and to train them to become useful citizens of democratic societies.

#### Article 3

##### Funding

The University shall be non-profit public-private partnership, which will seek support from each of the national Governments of member states and from other sources but will be autonomous and accountable to its board of trustees/governors.

**Article 4****The Fiscal Status**

1. The University and its campuses and centres shall be exempted, in the state where it is located, from paying and from collecting all direct and indirect forms of taxes and duties for the establishment and operations of the University.

2. The University shall enjoy treatment in relation to priorities, rates and charges for utilities that are not less favourable than that accorded to state owned enterprises and universities.

3. The University has the right to accept *inter vivos* as well as testamentary gifts, contributions, and donations in cash or in kind for the objectives of the University. All such gifts and donations from any legal or physical person are fully deductible without any limit against the income of such donor or contributor in the respective Founding States.

4. Taxation and social protection of the citizens of the Founding States employed by the University shall be regulated in accordance with the respective national legislation of the respective States. The employees of the University from countries other than the host country will be governed by the income-tax laws of the home countries and will not be taxed as per the laws of the host country.

**Article 5****Governance Structure**

1. The University shall be governed by a Governing Board, composed of two members from each member state, and will be headed by a Chairperson. The Chairperson shall be elected from among the members of the Governing Board.

2. Each member of the Governing Board shall serve office for a fixed term of three years and shall not hold office for more than two consecutive terms. The members shall be selected from amongst the distinguished persons from the region and shall be responsible for the overall policies and directions of the University. The powers and functions of the

Chairperson of the Governing Board and the role of the Board shall be decided as per the rules and regulations of the University.

3. The University shall be headed by a President, appointed by the Governing Board. The appointment, tenure, powers and functions shall be decided as per the rules and regulations of the University.

4. The President shall also be the Chief Executive Officer (CEO) and an *ex officio* member of the Governing Board. The President as the CEO of the University, will report to the Board and hold office at the pleasure of the Board. He will be responsible for implementing the vision and the foundation statement of the University, ensuring the purpose and objectives of the University, upholding uniformly high academic standards, and fulfilling the policy directives of the Board of the University.

5. The President as the Chief Executive Officer of the University shall act under direction of the Governing Board. The President shall be assisted by an Executive Council. The President shall constitute the Academic Council, different committees and appoint the principal officers of the University as per bye-laws.

**Article 6****Visa and Resident Permit**

The Member States shall provide appropriate visas to the students, faculty and staff for travel in all the SAARC Member States and grant necessary resident permit for students, faculty and administrative staff to work in the University and its different campuses, centres and collaborative educational institutions.

**Article 7****Recognition of the Degrees**

This Agreement shall facilitate the mutual recognition of degrees and certificates awarded by the University in all the SAARC Member States at par with the degrees and certificates issued by their respective national universities/institutions.

**Notification**

7/11/2009-LA

The Goa Appropriation (No. 3) Act, 2009 (Goa Act 15 of 2009), which has been passed by the Legislative Assembly of Goa on 6-8-2009 and assented to by the Governor of Goa on 10-8-2009, is hereby published for general information of the public.

*Sharad G. Marathe*, Joint Secretary (Law).

Porvorim, 12th August, 2009.

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The Goa Appropriation (No. 3)  
Act, 2009

(Goa Act 15 of 2009) [10-8-2009]

AN

ACT

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2009–10.*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 3) Act, 2009.

2. *Issue of Rs. 5939,32,00,000 out of the Consolidated Fund of the State of Goa for the financial year 2009-10.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule of this Act amounting in the aggregate to the sums of five thousand nine hundred thirty-nine crores thirty-two lakhs rupees towards defraying the several charges which will arise for payment during the financial year 2009–2010 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

## THE SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	1076.00	47.00	1123.00
A1	Raj Bhavan — <i>Charged</i>	—	382.24	382.24
2	General Administration and Co-ordination	2847.99	—	2847.99
3	District and Session Court, North Goa	679.85	—	679.85
4	District and Session Court, South Goa	662.65	—	662.65
5	Prosecution	214.90	—	214.90
6	Election Office	825.10	—	825.10
7	Settlement and Land Records	592.70	—	592.70
8	Treasury and Accounts Administration, North Goa	71617.41	—	71617.41
9	Treasury and Accounts Administration, South Goa	219.35	—	219.35
A2	Debt Services — <i>Charged</i>	—	88181.23	88181.23
10	Notary Services	402.54	—	402.54
11	Excise	605.85	—	605.85
12	Commercial Taxes	1585.10	—	1585.10
13	Transport	3088.85	—	3088.85
A3	Goa Public Service Commission — <i>Charged</i>	—	146.00	146.00
14	Goa Sadan	229.00	—	229.00
15	Collectorate, North Goa	1071.75	—	1071.75
16	Collectorate, South Goa	2451.75	—	2451.75
17	Police	15737.10	—	15737.10
18	Jails	2391.35	—	2391.35
19	Industries, Trade and Commerce	2620.87	—	2620.87

(Rs. in lakhs)				
(1)	(2)	(3)	(4)	(5)
20	Printing and Stationery	796.75	—	796.75
21	Public Works	70234.97	0.10	70235.07
22	Vigilance	78.70	—	78.70
23	Home	233.30	—	233.30
25	Home Guards and Civil Defence	432.42	—	432.42
26	Fire and Emergency Services	1147.50	2.00	1149.50
27	Official Language	163.90	—	163.90
28	Administrative Tribunal	77.20	—	77.20
29	Public Grievances	17.50	—	17.50
30	Small Savings and Lotteries	1385.87	—	1385.87
31	Panchayats	6859.60	—	6859.60
32	Finance	16855.02	—	16855.02
33	Revenue	636.70	—	636.70
34	School Education	47522.62	—	47522.62
35	Higher Education	9307.94	—	9307.94
36	Technical Education	755.65	—	755.65
37	Government Polytechnic, Panaji	814.06	—	814.06
38	Government Polytechnic, Bicholim	263.45	—	263.45
39	Government Polytechnic, Curchorem	156.45	—	156.45
40	Goa College of Engineering	2322.20	—	2322.20
41	Goa Architecture College	282.25	—	282.25
42	Sports and Youth Affairs	6178.44	—	6178.44
43	Art and Culture	5853.30	—	5853.30
44	Goa College of Art	202.70	—	202.70
45	Archives and Archaeology	1758.40	—	1758.40
46	Museum	128.55	—	128.55
47	Goa Medical College	11770.50	—	11770.50
48	Health Services	11962.76	—	11962.76
49	Institute of Psychiatry and Human Behaviour	982.38	—	982.38
50	Goa College of Pharmacy	370.21	—	370.21
51	Goa Dental College	834.82	—	834.82
52	Labour	1127.70	—	1127.70
53	Foods and Drugs Administration	308.25	—	308.25
54	Town and Country Planning	944.25	—	944.25



(Rs. in lakhs)				
(1)	(2)	(3)	(4)	(5)
55	Municipal Administration	12113.20	—	12113.20
56	Information and Publicity	1259.30	—	1259.30
57	Social Welfare	15194.95	—	15194.95
58	Women and Child Development	2665.65	—	2665.65
59	Factories and Boilers	200.30	—	200.30
60	Employment	98.20	—	98.20
61	Craftsmen Training	2319.90	—	2319.90
62	Law	844.10	—	844.10
63	Rajya Sainik Board	41.95	—	41.95
64	Agriculture	3745.27	—	3745.27
65	Animal Husbandry and Veterinary Services	2778.33	—	2778.33
66	Fisheries	2041.32	—	2041.32
67	Ports Administration	1036.00	—	1036.00
68	Forests	2760.23	—	2760.23
70	Civil Supplies	5661.86	—	5661.86
71	Cooperation	1783.07	—	1783.07
72	Science, Technology and Environment	641.40	—	641.40
73	State Election Commission	88.90	—	88.90
74	Water Resources	24840.92	—	24840.92
75	Planning, Statistics and Evaluation	1446.54	—	1446.54
76	Electricity	100686.34	—	100686.34
77	River Navigation	1960.60	—	1960.60
78	Tourism	4254.30	—	4254.30
79	Goa Gazetteer	22.20	—	22.20
80	Legal Metrology	162.13	—	162.13
82	Information Technology	4643.00	—	4643.00
83	Mines	197.05	—	197.05
TOTAL		505173.43	88758.57	593932.00

Secretariat,  
Porvorim-Goa.  
Dated: 12-8-2009.

V. P. SHETYE  
Secretary to the Government of Goa,  
Law Department (Legal Affairs Division).

**Notification**

7/12/2009-LA

The Goa Appropriation (No. 4) Act, 2009 (Goa Act 16 of 2009), which has been passed by the Legislative Assembly of Goa on 6-8-2009 and assented to by the Governor of Goa on 10-8-2009, is hereby published for general information of the public.

*Sharad G. Marathe*, Joint Secretary (Law).

Porvorim, 12th August, 2009.

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The Goa Appropriation (No. 4)  
Act, 2009

(Goa Act 16 of 2009) [10-8-2009]

AN

ACT

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2009-10.*

Be it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 4) Act, 2009.

2. *Issue of Rs. 194,00,50,000 out of the Consolidated Fund of the State of Goa for the financial year 2009-10.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of one hundred ninety four crores and fifty thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2009-2010 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the said Schedule in relation to the said financial year.

## THE SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	23.00	15.00	38.00
2	General Administration and Co-ordination	933.00	—	933.00
6	Election Office	87.00	—	87.00
7	Settlement and Land Records	150.00	—	150.00
A2	Debt Services — <i>Charged</i>	—	300.00	300.00
11	Excise	50.00	—	50.00
13	Transport	885.00	—	885.00
19	Industries, Trade and Commerce	124.00	—	124.00
21	Public Works	100.00	111.61	211.61
27	Official Language	30.00	—	30.00
31	Panchayats	100.01	—	100.01
32	Finance	10000.00	—	10000.00
34	School Education	282.01	2.10	284.11
35	Higher Education	25.00	—	25.00
43	Art and Culture	18.00	—	18.00
47	Goa Medical College	500.00	—	500.00
50	Goa College of Pharmacy	15.66	—	15.66
52	Labour	4.50	—	4.50
57	Social Welfare	900.00	—	900.00
58	Women and Child Development	75.00	—	75.00
61	Craftsmen Training	784.00	—	784.00
62	Law	36.21	—	36.21
64	Agriculture	125.04	—	125.04
65	Animal Husbandry and Veterinary Services	0.02	—	0.02
67	Ports Administration	500.00	—	500.00
68	Forests	20.00	—	20.00
70	Civil Supplies	74.34	—	74.34
71	Cooperation	30.00	—	30.00
78	Tourism	1100.00	—	1100.00
82	Information Technology	2000.00	—	2000.00
TOTAL		18971.79	428.71	19400.50

Secretariat,

V. P. SHETYE

Porvorim-Goa.

Secretary to the Government of Goa,

Dated: 12-8-2009.

Law Department (Legal Affairs Division).

## Department of Personnel

**Notification**

1/4/2008-PER(Pt. file)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post, in the Directorate of Women and Child Development, Panaji, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Directorate of Women and Child Development, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 2009.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scale of pay.*— The number of posts, classification of the said posts and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of

recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 17th July, 2009.

## SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name/ Designation of post	Number of posts	Classification	Scale of pay	Whether selection post or non-selection post	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Whether age & educational qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer/contract and percentage of the vacancies to be filled by various methods	In case of promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which the Goa Public Service Commission is to be consulted in making recruitment.	
Counselor (2009) (Subject to variation dependent on workload).	2	Group 'C', Non-Ministerial, Non-Gazetted.	Rs. 9300-34800+ Grade Pay Rs. 4200.	Selection. (Relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Government).	Not exceeding 40 years	Essential: (1) Graduation in psychology or Sociology or Social work from a recognized University. (2) Knowledge of Konkani.  Desirable: (1) Professional diploma of atleast one year duration in counseling/psychiatry/ social work from a recognized University/ Institution. (2) Minimum 2 years experience of working with women/children in difficult circumstances. (3) Knowledge of Marathi.	N. A.	2 years.	By direct recruitment.	N. A.	Group 'C' DSC/ /DPC  (i) Director of Women and Child Development —Chairman. (ii) Dean of Institute of Psychiatry and Human Behaviour or his representative —Member. (iii) Deputy Director (Administration)/Senior most officer, (Directorate of Women and Child Development) —Member.	N. A.



## Department of Social Welfare

Directorate of Social Welfare

**Notification**

50-389-2006-07-HC

*Name of the Scheme.*— The Scheme shall be known as Schemes for social audit in respect of the implementing agencies under the Persons with Disabilities Act.

*Date and extent of application.*— The scheme shall come into force from the date of publication in the Gazette of Government of Goa. It shall be applicable to the whole of State of Goa.

*The eligibility for coverage.*— Any NGO working in State of Goa with registration for at least 3 years in the field of disability management shall be eligible for coverage.

*Modalities for implementation.*— (1) The NGO shall be given a budget of maximum of Rs. 2 lakhs for one calendar year for carrying out activities relating to IEC/Capacity Building/Socio Audit for activities pertaining to Persons with Disabilities Act.

(2) The selection shall be made by a committee under the Chairmanship of Director of Social Welfare having the following members.

(a) Director of Social Welfare.

(b) Director of Health.

(c) Director of Women & Child Development.

(3) The NGOs desirous of seeking coverage under the scheme shall make an application in format attached as Annexure-I.

(4) After the selection, the selected NGO shall enter into an MOU with the Directorate of Social Welfare for carrying out the aforesaid activities given in its plan of action.

(5) The Directorate of Social Welfare shall have the right to modify any of the points in

order to make the same confirming to its requirements/policies.

(6) For the purpose of Capacity Building the NGO shall hold workshops and seminars for important stakeholders for public and private sectors.

(7) For IEC related activities the NGO shall submit a detailed plan for publicity giving the number and design for hoarding and news paper advertisement for the annual publicity plan.

(8) For the social audit related activities, the NGO shall engage a Sociologist and Access Auditor for taking up at least 10 Government Departments and other trade and commerce related organizations for assisting their extent of compliance for the provisions of Persons with Disabilities Act and also for evaluating jobs to the disabled. The selection of the department and agencies shall be done in consultation with Directorate of Social Welfare.

(9) The annual action plan of the NGO shall be approved by Directorate of Social Welfare. NGOs shall be released the grants in three installments at the rate of 20% of the sanctioned amount, 40% of the sanctioned amount in subsequent installments.

(10) The Social Audit report of the NGO shall be published and widely circulated highlighting the achievements and failure of the organization evaluated.

(11) The Directorate of Social Welfare shall have the right to terminate the agreement with the NGO if it is found at any stage to be not adhering to the requirements of this scheme or for any other reasons including financial irregularities.

*Budget.*— The Government reserves right to make any modification in the scheme at the stage of implementation.

By order and in the name of Governor of Goa.

N. B. Narvekar, Director of Social Welfare & ex officio Joint Secretary (SW).

Panaji, 5th August, 2009.

ANNEXURE - I  
Application Format

To,  
The Director,  
Directorate of Social Welfare,  
Panaji-Goa.

**Sub.:— Scheme for Social Audit in respect of the implementing Agencies under Persons with Disabilities Act.**

Sir,

I, Shri/Smt. .... hereby apply for grant of financial assistance under the Scheme for Social Audit in respect of the implementing Agencies under Persons with Disabilities Act.

The details of the Institution are as follows:—

- 
1. Name of the Institution:
  2. Complete address for correspondence:
  3. Registration No.:  
Year of Registration:
  4. Nature of the activities of the Institution:
  5. (i) Name of the Head of the Institution:  
(ii) Office Phone Number:  
(iii) Resident Phone No.:
  6. Detail Project Report:
  7. Expenditure details:
- 

**I. Declaration.**— We, the undersigned declare that the information furnished above is true to the best of my knowledge and we take entire responsibility for completion of the Project within the stipulated time limit. We further declare that the amount sanctioned will be utilized for the purpose for which it is sanctioned and undertake the responsibility to re-imburse the entire amount in case of misappropriation of funds.

Affix Rubber Stamp

Name & Signature of Office bearer

Place:

President

Secretary

Treasurer

Date:

**Documents to be enclosed.**—

- (1) A copy of Certificate of Registration issued by the Directorate of Social Welfare under the Persons with Disabilities Act, 1995.
- (2) Detail report regarding the proposed Projects.
- (3) A copy of the resolution passed by the Managing Committee of the Organization.
- (4) Audited/Unaudited Statements for last two years.
- (5) Detail report of the activities undertaken by the NGO during last years in Goa.
- (6) Detail statement of Expenditure of each proposed event.
- (7) Plan of Action for the Year.

[www.goagovt.nic.in/gazette.htm](http://www.goagovt.nic.in/gazette.htm)

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